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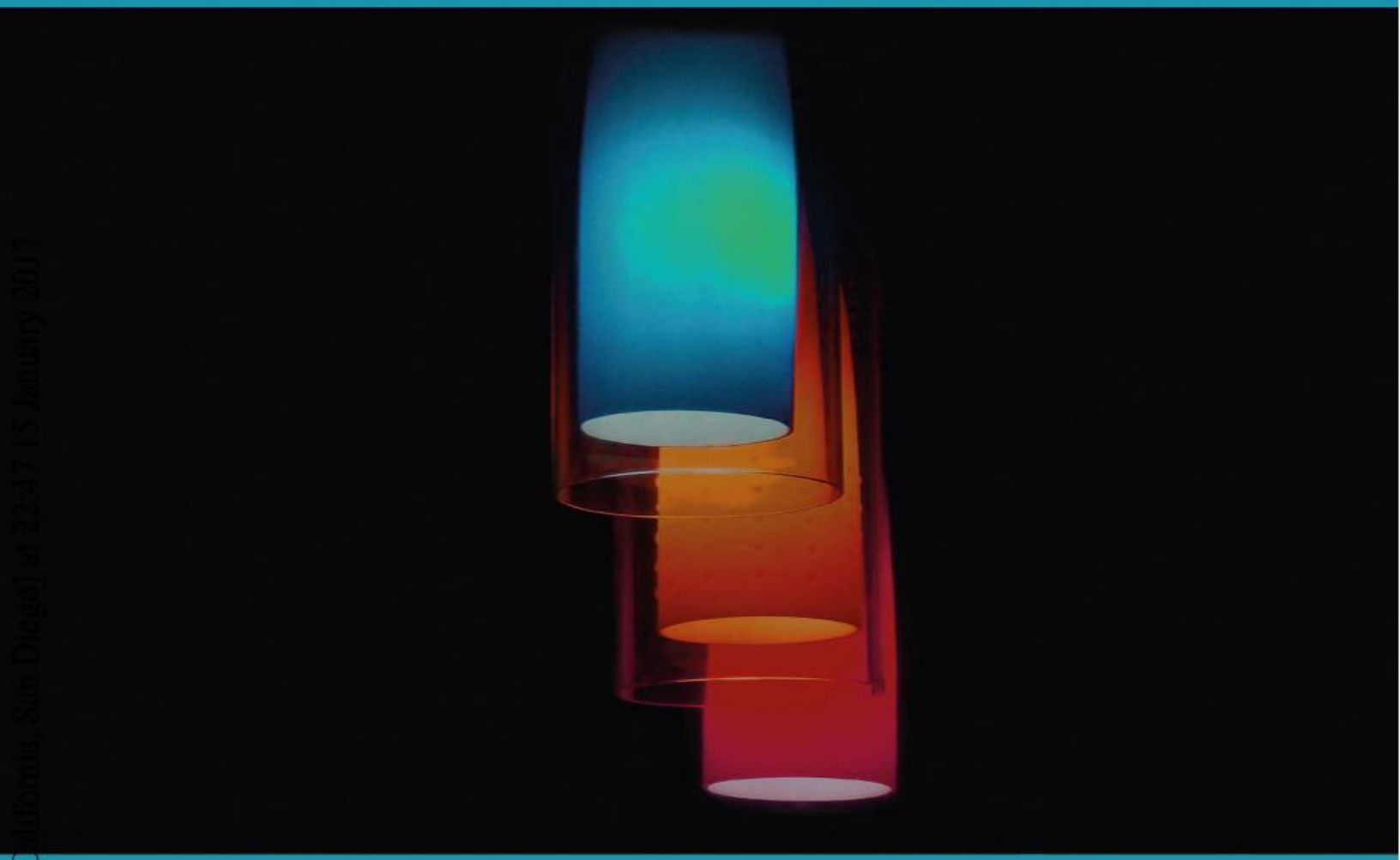

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SEX WORK, IMMIGRATION AND SOCIAL DIFFERENCE

Julie Ham

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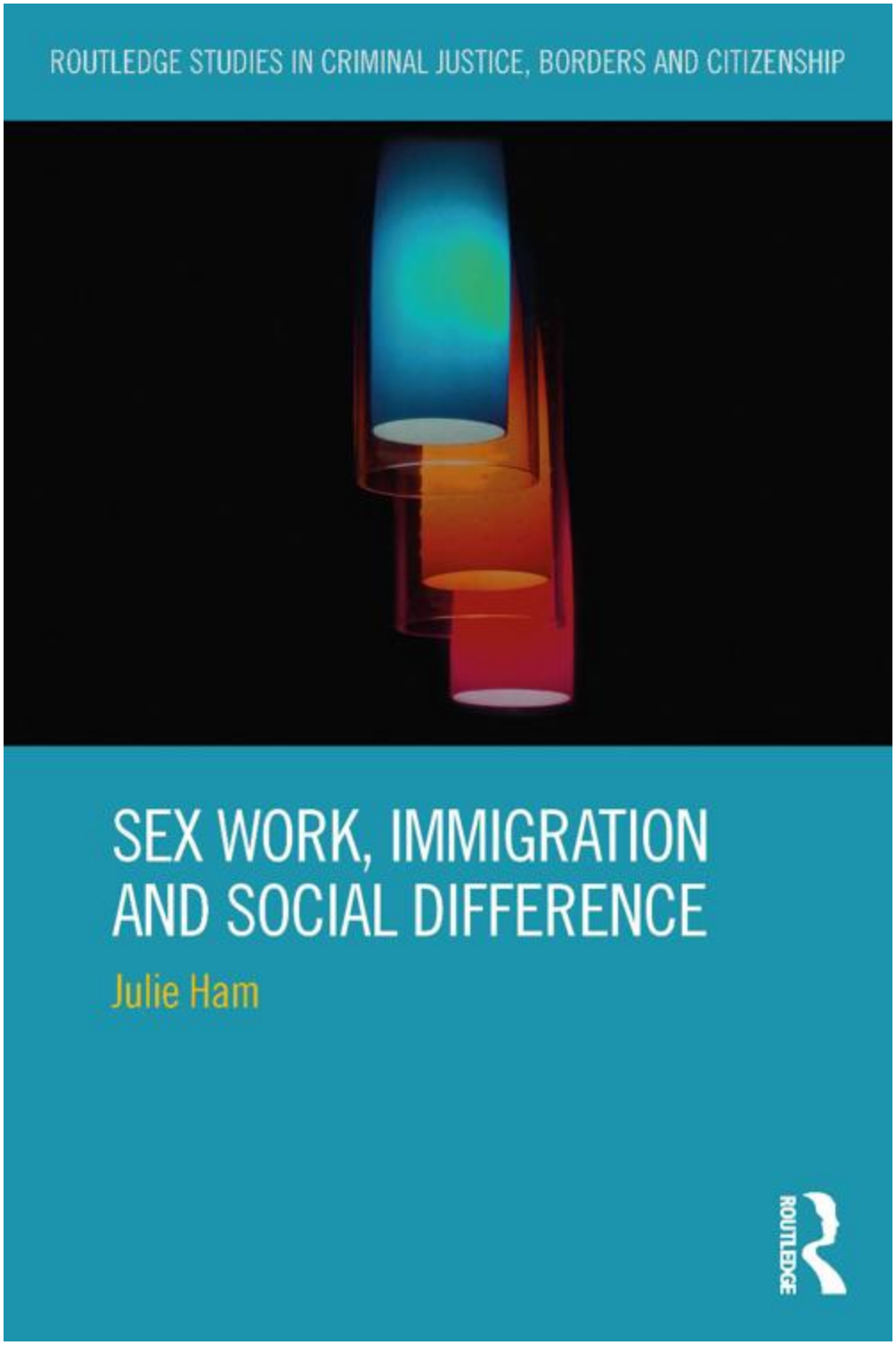
ROUTLEDGE STUDIES IN CRIMINAL JUSTICE, BORDERS AND CITIZENSHIP
SEX WORK, IMMIGRATION AND SOCIAL DIFFERENCE
Julie Ham
ROUTLEDGE

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Julie Ham delivers a compelling, multi-faceted account of ‘migrant sex work’.

Starting with the lived realities of the women involved, she challenges public and policy perceptions of the industry. Ham’s leading-edge methodology (grounded in community engagement and reciprocity) will be a key reference for new scholars; her conclusions, a beacon for policy development and social change. A must-read for academics, lay scholars, and policy-makers alike.

Frances M. Shaver, *Professor, Department of Sociology and Anthropology, Concordia University, Canada, and researcher at (understanding) sex work: a health research and community partnership*

This impressive piece of research takes an empirically grounded approach to sex work in Melbourne and Vancouver that develops into a fascinating contribution to intersectionality theory. Its critique of the category of migrant sex worker and its engagement with ideas of racial difference offer important new ways to understand the positions and struggles of migrant workers more generally.

Bridget Anderson, *Professor of Migration and Citizenship and*

Research Director of COMPAS, University of Oxford, UK

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Sex Work, Immigration and Social

Difference

Public discourses around migrant sex workers are often more confident about what migrant sex workers signify morally but are less clear about who the

'migrant' is. Based on interviews with immigrant, migrant and racialised sex workers in Vancouver, Canada and Melbourne, Australia, *Sex Work, Immigration and Social Difference* challenges the 'migrant sex worker' category by investigating the experiences of women who are often assumed to be 'migrant sex workers' in Australia and Canada.

Many 'migrant sex workers' in Melbourne and Vancouver are, in fact, naturalised citizens or permanent residents, whose involvement in the sex industry intersects with diverse ideas and experiences of citizenship in Australia and Canada. This book examines how immigrant, migrant and racialised sex workers in Vancouver and Melbourne wield or negotiate ideas of illegality and legality to obtain desired outcomes in their day- to-day work.

Sex work continues to be the subject of fierce debate in the public sphere, at the policy level and within research discourses. This study interrogates these perceptions of the 'migrant sex worker' by presenting the lived realities of women who embody or experience dimensions of this category. This book is interdisciplinary and will appeal to those engaged in criminology, sociology, law and women's studies.

Julie Ham is an Assistant Professor in the Department of Sociology at the University of Hong Kong. She has published on sex work, anti- trafficking, gender and migration, feminist participatory action research, and activist efforts by trafficking survivors, sex workers and domestic workers. Prior to joining the Department of Sociology, she worked with the Border Crossing Observatory, Monash University; the Global Alliance Against Traffic in Women (GAATW); and with community- based research projects and organisations in Canada, working with Downloaded by [University of California, San Diego] at 22:47 15 January 2017

sex workers, immigrant and refugee communities, women substance users, low-income urban communities and anti- violence organisations.

Routledge Studies in Criminal Justice, Borders and Citizenship Edited by

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Globalizing forces have had a profound impact on the nature of contemporary criminal justice and law more generally. This is evident in the increasing salience of borders and mobility in the production of illegality and social exclusion.

Routledge Studies in Criminal Justice, Borders and Citizenship showcases contemporary studies that connect criminological scholarship to migration studies and explore the intellectual resonances between the two. It provides an opportunity to reflect on the theoretical and methodological challenges posed by mass mobility and its control. By doing that, it charts an intellectual space and establishes a theoretical tradition within criminology to house scholars of immigration control, race, and citizenship including those who traditionally publish *either* in general criminological *or* in anthropological, sociological, refugee studies, human rights and other publications.

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Julie Ham

Sex Work, Immigration and

Social Difference

Julie Ham

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Foreword

Sex Work, Immigration and Social Difference is a sophisticated account of sex work under two very different regulatory regimes—one in Canada and the other in Australia. It draws on the detailed stories of sex workers. The book uniquely explores the ways the nature and scale of these regulatory regimes play out in their work and broader lives. Informing regulators and future regulatory policy are deeply intimate experiences as to how the legal frameworks shape both micro and macro aspects of negotiating work.

This book uses an intersectional analysis to lay bare the deeply gendered and racialised ways that sex work is constructed, viewed and experienced. It is groundbreaking in how it shows that for many considered precarious, their migration status is certain yet their racial identity often renders them suspect.

The work is based on time- consuming and tenacious research with women in Vancouver and Melbourne and traces many of the nuances that show great similarity and difference across these sites.

Julie Ham greatly advances debates around intersectionality, race and migration in *Sex Work, Immigration and Social Difference*.

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Acknowledgements

I cannot thank enough all of the participants who generously shared their knowledge and insights during the course of this research. I have captured only a glimpse of their knowledge, wit and candour in these pages, but I hope to do justice in future endeavours to the experiences and wisdom they so generously shared.

I am thankful to Sharon Pickering, Mary Bosworth and Katja Franko Aas,

editors of the Routledge Studies in Criminal Justice, Borders and Citizenship series. Thomas Sutton, Heidi Lee and Hannah Catterall also provided valuable guidance for this endeavour. This research began as a doctoral research project and I remain deeply grateful for the energetic support and mentorship provided by Marie Segrave and Sharon Pickering. The School of Social Sciences at Monash University provided a dynamic intellectual community, with special thanks to Claire Spivakovsky, Rebecca Powell, Alison Gerard, Gabriella Sanchez, Francesco Vecchio and Sue Stevenson. Special thanks as well to Iyik (Sri) Eddyono and the Eddyono family, Will Gourlay, Cemen and Ahmet Polat, Rakshinda Kabir, Maria Tanyag, Neneng Lahpan and Proad (Sirakul) Suwinthawong for their friendship and support. I also wish to thank my current colleagues in the sociology department at the University of Hong Kong for their support, including Karen Joe Laidler, Maggy Lee, Peng Wang, Paul Joosse, Liping Wang, Sylvia Martin, Tom McDonald, Tommy Tse, Denise Tang, Travis Kong, Cheris Chan, David Palmer, Li- Fung Cho and Sandy To.

I cannot begin to name all of the activists and researchers that have inspired me over the years, and I feel blessed to be part of social justice communities around the world. In Vancouver, I am endlessly grateful for the team at SWAN Vancouver—Alison Clancey, Noushin Khushrushahi, Vanessa Fee

and Emily Cordeaux. I am continually renewed and humbled by their commit-Downloaded by [University of California, San Diego] at 22:47 15

ment, creativity, knowledge, humour and tireless work ethic. This project would not have been possible without them. Many thanks also to Fereshteh Rastgar, a dear friend and tireless activist, for demonstrating that activism can and should involve as much joy as there is struggle, and that struggle can be a source of renewal. In Melbourne, I must thank the team at RhED, particularly Mardi Kennedy, Gabby Skelsey and Sarah Rogan, for their knowledge and

assistance in helping me navigate and understand the sex industry in Melbourne. The GAATW secretariat and network, based in Bangkok, continues

to be a treasured community, with special thanks to Alfie Gordo and Nong (Apivart) Chaison. In a city of many mobilities, their friendship remains a valued anchor. And as always, my deepest gratitude to my family for their support.

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Abbreviations

AIDS

Acquired immune deficiency syndrome

CaLD

Culturally and linguistically diverse

HIV

Human immunodeficiency virus

ISCHS

Inner South Community Health Services

MSHC

Melbourne Sexual Health Centre

NAATI

National Accreditation Authority for Translators and

Interpreters Ltd

RCMP

Royal Canadian Mounted Police

RhED

Resourcing Health & Education in the Sex Industry

STI

Sexually transmitted infection

SWA

Sex Work Act

SWAN

Supporting Women's Alternatives Network

UK

United Kingdom

US

United States

VPD

Vancouver Police Department

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1 Introduction

Given the often sensational accounts of sex work in the media, it may be a surprise to hear that researching sex work by immigrant, migrant and racialised women in Vancouver, Canada and Melbourne, Australia was, for the most part, a relatively straightforward and undramatic process.1 That is not to say that discussions with sex workers were not rich, lively and illuminating—they were, very much so. But rather than introducing this study with a dramatic anecdote, I offer a simple walk through some of the sex workspaces in both cities, in order to set the scene for the conversations that follow.

In Vancouver, a significant part of research involved visiting massage shops in various neighbourhoods.2 For the most part, this was relatively straightforward. In Vancouver, these are typically small- scale shopfront businesses, often located beside neighbouring restaurants, shops, grocery stores and other small businesses in a wide socio- economic range of neighbourhoods. In terms of appearance, they are not ‘hidden’ or ‘underground’, but they are discreet and more or less blend in with local neighbourhood economies. They are perhaps most noticeable by the reduced presence of shopfront advertising, in contrast to the busy windows typical of neighbouring businesses. Interiors leaned towards simple spa furnishings, with massage tables as the norm in most workrooms (as opposed to beds, which are permitted in Melbourne’s licensed brothels). Decor was often feminine, which could perhaps permit an easy transition or ‘passing’

as a spa or beauty salon for female clientele. Indeed, there were a few businesses where the nature of services provided was ambiguous. In some of these businesses, workers confirmed that a range of services was available, including both sexual services (e.g. masturbation, oral sex, body

rubs, intercourse), which may constitute the majority of an establishment's business, as well as non- sexual services such as cosmetic treatments for a minority of male and female clients. The feminine, standardised decor of workrooms across different establishments con-Downloaded by [University of California, San Diego] at 22:47 15 January 2017

trasted with the much greater diversity and individualisation of workers' lounges (i.e. staff rooms, break rooms). In contrast to the tidy and somewhat homogeneous workrooms, staff lounges often included a comfortable jumble of sofas, chairs or beds for workers to recline on, small lockers or bureaus with lockable drawers for individual workers and stacks of magazines, take- out menus, clothing and cosmetics on various surfaces.

2 *Introduction*

Given the cultural or urban similarities between Melbourne and Vancouver, the differences between sex workplaces across the two cities were striking; that is, between massage shops in Vancouver and licensed brothels in Melbourne.

The first noticeable difference was the placement of sex work- related businesses within the city. In contrast to Vancouver, where businesses typically operate within a range of bustling local commercial areas, my visits to licensed brothels in Melbourne involved commuting much further distances to largely industrial areas in suburbs across the city. There are licensed brothels that operate in or close to the city centre, but there also appears to be a greater number of businesses operating further away from local commercial areas. Numerous licensed brothels were located in industrial areas, which ranged from light industrial office complexes to commercial areas with industrial, construction or repair-based businesses; autobody yards; and heavy industrial activity marked by signs and warnings about chemical and environmental hazards. Licensed brothels in these areas were not overtly visible in terms of signage or advertising, but they were noticeably different as one of the few non- industrial businesses in their respective neighbourhoods. As a female Asian researcher, moving through these spaces required taking particular considerations. For example, conducting interviews at night required more careful

management of transportation schedules, not necessarily because these areas felt unsafe, but because they were noticeably quieter and less well-lit after business hours. In fact, when conducting fieldwork in Melbourne, it was often a comfort to see a brothel with a few lights around the door at the end of an otherwise deserted street after the business day ended and as evening fell.

As will be discussed in later chapters, the criminalisation of sex work in Vancouver contrasts to the legalisation of sex work in Melbourne. The legal and regulatory differences between the two cities infuses many dimensions of the sex industry, from workers' experiences to the geographies of sex work in each city.

I was reminded of this continually throughout the study. Given the legalisation of sex work through a licensing framework, it is perhaps not surprising that Melbourne's brothels could be more open but it also struck me that they could be much more established or permanent. Whereas Vancouver's environment demands that businesses remain ambiguous, discreet and in conformity with other businesses in the area, I was struck by the diversity in the architecture of Melbourne's licensed brothels and the permanence of the facilities: for example, having the business name etched into the floor of the brothel. While many of the establishments I visited in Vancouver resembled beauty salons or spas, licensed brothels in Melbourne were much more varied, with some establishments aiming for a clubbish atmosphere, while others resembled small bed- and-breakfast Downloaded by [University of California, San Diego] at 22:47 15 January 2017

hotels, and others still that could easily be imagined as a previous or future yoga studio or health club. The regulatory framework in Melbourne allows licensed brothels to be upfront about the services they provide, and it was common to see signs detailing rates for particular sexual services (e.g. oral sex, intercourse, massage), blocks of time and, at times, rates depending on how many orgasms a client could have during a session. Other considerations were provided for

clients in Melbourne's licensed brothels. For example, it was common to see cubicles in the reception area, similar in structure to changing rooms or changing stalls in clothing stores. These provided areas where individual clients could wait without being seen by other clients. Other businesses had curtains that could quickly be drawn around the waiting area for greater privacy. Many licensed establishments in Melbourne were relatively spacious compared to businesses in Vancouver, and it was more common to see beds or bunk beds in staff lounge areas where workers had greater space to make use of between bookings.

Moving through these prosaic, workaday environments with relatively little fuss or drama provided a stark contrast to the highly fraught, politicised debates that are more common in public and policy spheres. Sex work, or the commercial provision of sexual services, continues to be the subject of fierce debate across many international, national and local jurisdictions. These debates occur in the public sphere, at the policy level and within research discourses. Although sex work is practised by a diverse range of genders (e.g. women, men and trans), debates about sex work often grapple with contested understandings of women's agency, power, vulnerability and exploitation, which are the focus of this study. In debates about sex work, gendered ideas about women's sexuality intersect with ideas about com-merce; shifting conceptualisations of women's labour; and social constructions of

'Othered' femininities, sexualities and labour. The persistent and enduring feminist debate revolves around whether sex work constitutes labour, which should be recognised and governed as such, or a form of gendered exploitation that should be eliminated. This debate still remains the dominant political backdrop for most sex work research, policy and law reform discussions, as well as public understandings of sex work (this debate is discussed further in Chapter 2). The ambivalence, confusion and fear about the morality and governance of sex work parallel public and policy debate about migration and movement across borders. These debates have been concerned with determining who is allowed within national borders, and how to assess the legitimacy, risk and value of those seeking entry into the nation. The fusion of global tensions around migration and global tensions around sex work are arguably most visible,

and most contested, in debates about sex trafficking. The anti- trafficking industry's persistent confusion between human trafficking,3 sex work and migration has also shaped how women's sexuality and labour are read or understood across borders.

This study began by seeking to understand the experiences of women who occupy the 'migrant sex worker' category at the centre of these charged debates, and their experiences of agency, security and mobility. In doing so, this research starts from the lived realities of a group that often remains more imagined than understood. Research, policy and public discourses about 'migrant sex workers'

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are often much more confident about what migrant sex workers signify (i.e. vulnerability, criminality) but are often less clear about who the 'migrant' is. Determining who is or is not a migrant is not a simple empirical exercise but a process of social construction that is, in the case of sex work, significantly shaped by ideas about race, class, nationality and gender. Based on 67 interviews across Melbourne and Vancouver, this study interrogates public and policy perceptions

of the 'migrant sex worker' by starting from the lived realities of women who embody or experience dimensions of this category. This includes: (1) women who are legally identified as migrants or immigrants; (2) women who self-identify as migrants or immigrants; (3) women who may be *assumed* to be migrants by those tasked with governing sex work; and (4) women who may perform immigrant- or migrant- related identities in their work, such as exoticised ethnic identities. Adopting this broad definitional approach offers an opportunity to capture a diverse range of experience and social difference often subsumed under the 'migrant sex worker' category.

As this study involves an investigation of the 'migrant sex worker' category, a brief note about terminology is included here. First, I use the

term sex work (rather than prostitution) to situate this study within a labour perspective or the view that sex work constitutes a form of labour that should be recognised as such. The term sex work is also used as this is the preferred term by most sex worker rights organisations, researchers and stakeholders that work from a sex workers' rights perspective (e.g. Arthur, 2013). Second, I use the term 'migrant sex worker' in quotation marks to signify the diverse range of meanings and uses contained in this category. In doing so, I distinguish 'migrant sex worker' as a label or category, as something distinct from a migrant sex worker (no quotation marks) to indicate a sex worker who is legally or self- identified as a temporary migrant. Related to this are the distinctions between the terms immigrant, migrant, racialised and 'culturally and linguistically diverse' (CaLD) sex workers. I use the term immigrant to indicate an individual who has moved from one country to another for the purposes of settlement or residency. In this study, the term immigrant includes naturalised citizens, permanent residents or persons who have settled or intend to settle in Australia or Canada. I use the term migrant to indicate individuals with temporary or precarious migrant status in Australia and Canada, and, therefore, individuals who are granted fewer rights and protection than naturalised citizens or permanent residents. The term racialised includes non- White individuals who are born in Australia or Canada, as well non-White immigrants and migrants.4 Lastly, 'culturally and linguistically diverse' (CaLD) reflects a term or acronym used among community organisations in Australia to indicate a range of ethnic individuals and communities, including those who: are not White; are not from a Western, English- speaking country; do not speak English as a first language; or do not speak English with a Western accent (e.g. American, Australian, British). The term CaLD

is used periodically when discussing the social construction of immigrant, migrant and racialised sex workers in Australia. Finally, I make the following distinctions between race, ethnicity and nationality. For the purposes of this study, race refers to (at times contested) social identities that broadly relate to one's physiognomy or Downloaded by [University of California, San Diego] at 22:47 15 January 2017

how one's body or face is 'read'. Asian and White are the main racial categories referred to in this study. Ethnicity is used to refer to more specific groupings that can be both linked to or separate from cultural identity and nationality; for example, Chinese, Korean and Thai would constitute ethnic identities rather than racial identities. Nationality is used to refer to one's state identity or, more simply, what passport or citizenship a person holds.

The definitions outlined in the preceding paragraph speak to the constructions of social difference that ground the objective and research questions for this study. My research objective is to investigate how immigrant, migrant and racialised women in sex work negotiate their security, agency and mobility across sex work and migration regulatory frameworks in Melbourne, Australia and Vancouver, Canada. These cities offer different regulatory environments for sex work but share a similar British settler/colonial history, numerous ethnic communities and a similar urban ethos that values multiculturalism. The research is not focused on comparative analysis alone; rather, it brings together 67 interviews across both research sites (with 65 workers, one receptionist and one manager) to better understand the ways in which sex workers negotiate differing forms of regulation. This study is guided by three research questions. First, how do women sex workers' social differences (e.g. race, class) shift across workplaces and borders? And how do these shifts shape spaces for agency, mobility and security in sex work? Second, how do regulatory frameworks produce illegality and legality in sex work and migration? And how are these fluctuations of illegality and legality (in movement and within the workplace) negotiated by immigrant, migrant and racialised women sex workers in order to secure their agency, security and mobility? Third, how does agency in collective workspaces affect immigrant, migrant and racialised sex workers' security and mobility in sex work? And how is agency in collective workspaces challenged or enabled by sex work and migration regulatory frameworks?

Chapters 2, 3 and 4 provide a theoretical and methodological foundation for these questions. Chapter 2 examines the construction of the migrant

sex worker and women's agency in sex work research and examines research in two spheres where agency is exercised, specifically collective work environments such as brothels and massage shops, and law and regulation. Chapter 3 outlines how intersectionality theory, or the study of social difference (e.g. race, class, gender), informs analyses of sex work. The numerous identities immigrants, migrants and racialised workers embody across workplaces and borders offer an innovative application of intersectionality theory in criminology. An intersectional analysis of sex workers' fluid social locations also helps to contest current policy and practice reliance on static conceptualisations of the 'migrant sex worker'. Specifically, I employ Leslie McCall's (2005) three intersectional methodologies, as discussed in the overview of Chapters 5, 6 and 7. Chapter 4 discusses key ethical dimensions of sex work research. This chapter draws on insights from post- colonial, feminist and sex work research to analyse how researcher identities (e.g. social locations, political views) are negotiated throughout the research process. This discussion of researcher positioning in the field also includes a brief overview of the history of Downloaded by [University of California, San Diego] at 22:47 15 January 2017

exploitation in sex work research and how my position within a sex worker rights framework shaped my responses to questions of power, trust and reciprocity during the research process.

Chapters 5, 6 and 7 answer the research questions stated previously and present the research findings relating to: (1) citizenship, immigration and migration; (2) the production and mobilisation of legal and illegal identities and knowledge; and (3)

the construction and use of social difference by immigrant, migrant and racialised women in sex work. The research findings challenge previous mainstream understandings of the 'migrant sex worker' category in three key ways. First, Chapter 5

considers the non- migrant 'migrant' in sex work. This chapter addresses the first research question and utilises McCall's (2005) 'anti- categorical'

methodology to contrast the legal or administrative uses of the 'migrant sex worker' category with the social and affective dimensions of immigration, migration and citizenship.

Contrary to public and policy assumptions, most interviewees were naturalised citizens or permanent residents, whose involvement in the sex industry intersects with diverse ideas and experiences of citizenship and residency in Australia and Canada. The research findings also reveal that the state fixation on legal residency or work *status* (and the risks and vulnerabilities associated with precarious work status) sharply contrast with women's *practice* of social or affective citizenship and belonging. Using an 'anti- categorical' intersectional methodology, this chapter contributes knowledge on how women reinforce their practice of social or affective citizenship in an industry where the citizenship of immigrant, racialised or CaLD

sex workers is often considered suspect, and the significance this has for their security and mobility in and out of the sex work sector.

Chapter 6 answers the second research question and uses an 'inter-categorical' intersectional methodology (McCall, 2005) to explore workers'

use of legalities and illegalities in sex work. This chapter begins by examining the contrasting government regulatory frameworks (local, state/provincial, national) that immigrant, migrant and racialised sex workers encounter most often in the workplace in both cities, specifically regulations governing sex work and, to a lesser extent, migration. The regulation of sex work is a key focus of global sex workers' rights efforts, as evidenced by numerous activist efforts and research calling for the decriminalisation of sex work (e.g. Abel, Fitzgerald, Healy & Taylor, 2010; van der Meulen, 2011; Grover, 2010; Office of the UN High Commissioner for Human Rights, 2006; Das & Horton, 2014; Shannon *et al.* , 2014; Harcourt, Egger & Donovan, 2005; Weitzer, 2009; Decker *et al.* , 2014). This study offers a unique contribution to this debate by examining the experiential dimensions of legality and illegality in the workplace, advancing the more dominant legal or political analysis of legality and illegality in sex work (e.g. decriminalisation as a rights- based

claim). The findings reveal that contrasting sex work regulatory frameworks in Vancouver and Melbourne produce different: (1) professional knowledges; (2) professional identities as ‘legal workers’ or ‘illegal workers’ and diverse mobilisations of these identities in the workplace; and (3) consequences for women’s security, mobility and agency. Contrary to persistent stereotypes of the unlaw-Downloaded by [University of California, San Diego] at 22:47 15 January 2017

fulness of immigrant, migrant and racialised sex workers, this group of workers was particularly attentive to the mobilisation of ‘legal’ identities (i.e.

the law- abiding worker in Melbourne, the quiet citizen in Vancouver) in the workplace and with clients. This chapter concludes by considering what legality and illegality may offer to women whose citizenship or belongingness may be considered suspect or implausible due to their engagement in sex work.

Introduction 7

Chapter 7 answers the third research question and uses an ‘intra-categorical’

methodology, which starts from lived realities “at neglected points of intersection” (McCall, 2005, p. 1774), in order to investigate the professional frameworks interviewees used to manage their interactions with other sex workers (or co- workers) and clients in collective workspaces, such as brothels and massage shops. Working with others is generally recognised as a key safety strategy for sex workers, particularly by sex work organisations, yet the ability to work with others remains a legally contentious issue in various countries, including Canada. Public and policy debates regarding *if* sex workers can or should work with others contrasts with the relatively under- examined question of *how* sex workers work with others in the sex industry. This chapter contributes an analysis of two key ways in which relationships in the workplace were managed. One typology is based on the different ways in which workers relate to their co- workers in order to understand the sex industry and manage their work, or what I call: (1) the protective approach, or a view of other sex

workers as potential risks to manage; (2) the professionalism approach, or a view of co- workers as valuable resources as well as competitors; and (3) the solidarity approach, or a view of co- workers as supportive allies. Another framework workers utilised involved the active management of race, ethnicity and nationality in the workplace to maximise business and structure preferred working environments. Part of this involved what workers perceived as an Asian/Western dichotomy, or workers' distinctions between Asian and Western management norms, with a greater preference for Asian workspaces over Western businesses.

Chapter 8 concludes by reviewing the professional identities that are produced for immigrant, migrant and racialised sex workers through sex work and migration regulation, and how workers negotiate these identities based on experiential knowledge shared with other sex workers. I conclude with a discussion of how this study addresses this gap, and the theoretical, empirical and practical contributions of this research. This chapter examines the importance these perspectives have on conceptualising women's agency in sex work and categorising

'migrant' experiences in sex work research, as well as for law reform efforts by sex work organisations and activists. The great gap that exists between social stereotypes of sex work and the lived realities of day- to-day work in the industry continues to present a challenging context for workers seeking knowledge-building practices that will enable them to work safely, ethically and lucratively.

Notes

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1 Both 'Melbourne' and 'Vancouver' are used to refer to the wider metropolitan area around both cities. 'Melbourne' is used here to refer to both the City of Melbourne and surrounding cities and suburbs, all of which constitute the wider metropolitan Melbourne area. The term 'Vancouver' is used similarly, to refer to both the City of Vancouver and surrounding cities and municipalities, such as Richmond, Surrey, Burnaby and New Westminster. The term Vancouver as it is used here refers to an

area more locally known as the Lower Mainland or the Greater Vancouver area.

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2 'Massage parlour' is the term commonly used in the media but almost no interviewees used this term. In particular, interviewees in Vancouver used a variety of terms to describe businesses providing sexual services (although not all provide sexual intercourse), as they are legally unable to identify themselves as a brothel. The most common term used by workers was 'massage shop' and is used in this study, rather than 'massage parlour'.

3 Human trafficking is the recruitment or transportation of persons through deceptive or coercive means for the purposes of exploitation (UNODC, 2004). For the full definition, see the UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children*, which supplements the *UN Convention against Transnational Organized Crime*.

4 I acknowledge that racialisation can also refer to the social construction of Whiteness (e.g. White privilege), i.e. that White persons are also racialised (as White). However, for ease, the term 'racialised' in this study is used to refer to non- White persons or individuals who are racially 'Othered' in countries that have historically prioritised White immigration, such as Australia and Canada.

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2 Investigating agency in sex work research

At the centre of this study is the aim to expand conceptualisations of 'migrant sex work' and agency in sex work through the prism of collective workspaces and regulation. This chapter begins by analysing constructions of the 'migrant sex worker' in sex work research. This is followed by an analysis of how this category has shaped conceptualisations of agency in sex work research, particularly the politicised debates about women's agency in sex work. One type of space through which worker agency is exercised is examined in particular, specifically collective workspaces, such as brothels and massage shops. I argue that collective workspaces may offer a more productive lens for theorising agency in sex work than identity or social location (as has historically been the case). This chapter concludes by examining another structural context through which worker agency is exercised, namely the contrasting regulatory frameworks that govern the sex work sector in Canada and Australia.

Constructing the 'migrant' in sex work research

Any research on 'migrant sex workers' must first clarify who the migrant sex worker is or is assumed to be. Research reveals that identifying the

migrant sex worker is not a simple empirical exercise but a process of social construction that is, in the case of sex work, significantly shaped by ideas about race, class, nationality and gender. As will be discussed below, perceptions of women's migration often intersect with social ideas about women's sexuality, risk and vulnerability. The links between the regulation of women's migration and ideas of sexual risk are not limited to sex work. Disciplining and controlling women's sexuality is also present in labour migration policies and practices, such as the de- sexualisation of migrant domestic workers (Constable, 1997; Lan, 2008), pregnancy bans for migrant women workers and the deportation of pregnant Downloaded by [University of California, San Diego] at 22:47 15 January 2017

migrant women workers (KavLaOved, 2010). The emphasis on vulnerability as an inherent characteristic of women's migration is evident in policies banning women's migration in order to 'protect' them against potential exploitation (Human Rights Watch, 2012). Within this terrain of gender, mobility and sexuality, the figure of the 'migrant sex worker' is perhaps the archetypal example of the risks of women's migration, both for the woman herself and the state.

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The figure of the 'migrant sex worker' is perhaps most visible in anti-trafficking discourses, which remain the most dominant discourses concerned with "regulating women's mobilities and sexuality" (Sharma, 2005, p. 103). This is despite the fact that migration for sex work is different from trafficking for the purposes of prostitution.1 Despite these differences, sex work that involves migration remains linked in the public and political imagination to human trafficking. This association has permeated research on sex work that involves migration, as researchers have been careful to qualify any acknowledgement of migrant sex workers' agency with affirmations about the existence of trafficking and exploitation in sex work (e.g. Guven- Lisaniler, Rodriguez & Ugural, 2005; Gulcur & Ilkkaracan, 2002; Wong, Holroyd, Chan, Griffiths & Bingham, 2008; Chin, 2013).

The characterisation of migrant sex workers in anti- trafficking discourses has often relied on stark dichotomies that obstruct more nuanced

conceptualisations of agency. Such dichotomies include the conceptualisation of agency and victimisation as mutually exclusive categories (Jacobsen & Skilbrei, 2010; Kempadoo, 1999; Lee, 2006), and the innocence of trafficking victims compared to the criminality of illegal migrants (Wong et al. , 2008; Brock, Gillies, Oliver

& Sutdhibhasilp, 2000; Agustín, 2006). While these categories are often posited as static and mutually exclusive, movement between these categories can often be quite fluid and precarious, as migrant sex workers can find themselves easily shifted from being defined as ‘ at risk’ to ‘ a risk’.

The dominant construction of the migrant sex worker within anti-trafficking discourses has also often relied on highly gendered and racialised ideas of victimisation (Kempadoo, 1998; Mahdavi, 2010a, 2010b). Migration gets framed as a risk for exoticised femininities, which are linked to helplessness, passivity, innocence and a lack of agency (Oso Casas, 2010; Agustín, 2006), qualities most often attributed to women from non- Western countries (Andrijasevic, 2007; Ham, 2010). The weakness and passivity of the Othered woman has also provided a convenient figure to validate sentiments about the reformation of ‘back-ward’ or barbaric cultures, or expelling foreign threat (Kempadoo, 1998).

Numerous feminist and postcolonial scholars have critiqued these characterisations of migrant sex workers as Orientalist, demeaning and inaccurate (e.g. Kempadoo, 1998, 1999; Agustín, 2006, 2007; Doezema, 2001; Kim & Fu, 2008; Jeffrey, 2005). Anti- trafficking discourses have also been critiqued for perpetuating a very narrow conceptualisation of victimhood that relies on feminised ideals of innocence and sexual purity (Segrave, Milivojevic & Pickering, 2009; Cheng, 2011). The reliance on narrow conceptualisations of victimhood can result in the criminalisation of ‘migrant’ women in sex work who do not meet Downloaded by [University of California, San Diego] at 22:47 15 January 2017

the strict criteria for victimhood (Sharma, 2005; Jeffrey, 2005).

Given these characterisations, the agency of women who migrate and engage in sex work still remains contentious. This is the case particularly

for those who may be politically or economically invested in women's lack of agency, such as the

'rescue industry' (as detailed in Agustín, 2007). Assumptions of migrant sex workers' lack of agency functions as one prerequisite to rationalise controlling or

repressive measures (Kempadoo, 1999; Doezema, 2001; Jeffrey, 2005; Cheng, 2004). Given the use of the 'migrant sex worker' figure in mobilising state interventions, it is crucial to understand how the 'migrant sex worker' is defined. In the research literature, the migrant sex worker has come to signify a range of subjective, volatile attributes, yet the concrete criteria used to define research participants is often suggested but not explicitly defined. Definitions can also vary across contexts and studies. For instance, Crosby (2007) distinguishes between immigrant status and migrant status, while in other studies, the term 'immigrant' and 'migrant'

are used interchangeably (e.g. as in Duarte, 2012; Oliveira, 2012).

Perhaps the most unambiguous identifier of migrancy is women's legal (or lack of legal) work status in a particular country. A number of studies explicitly focus on women without legal permission to work in the country they were currently in (e.g. as in Levy & Lieber, 2011; Oliveira, 2012; Busza, 2005). Legal permission to work appears to be a more salient indicator of migrant status than legal permission to move within or across borders. For instance, women may have legal permission to enter, leave and move within a country (as tourists, visi-tors and students) but not legal permission to work. Beyond this legal boundary, a woman's movement across social difference rather than across national borders can also mark her as a 'migrant'. For example, Cooper, Day, Green and Ward's (2007) UK study found that British maids working in the sex industry identified migrant sex workers as workers from poorer countries (e.g. various Eastern European countries) and excluded workers from wealthier countries (e.g. the United States, Australia, Canada). Studies of Chinese sex work have often defined migrant sex workers as women who have

travelled from rural areas to urban centres within China (Liu, 2012; Lim, 2008; Wong et al. , 2008; Lee, 2008; Yi et al. , 2010; Zheng, 2009). The term migrant may highlight the geographical distance travelled but also can signal the social, class and cultural differences traversed between rural areas and urban centres, particularly differences institutionalised through the hukou system in China.2

A number of studies also appear to assume congruence between a worker's

origin, nationality and ethnicity. Several studies describe migrant sex workers as one ethnicity/nationality present in another country, such as Brazilians in Portugal (Duarte, 2012), Nigerians and Eastern Europeans in Italy (Siegel, 2012), Latin American women in Spain (Oso Casas, 2010), Russians in Norway (Jacobsen & Skilbrei, 2010), Chinese women in Cameroon (Ndjio, 2009) and Eastern Europeans in Turkey (Gulcur & Ilkkaracan, 2002). Assuming congruence between origin, nationality and ethnicity presents more challenges for ethnically and racially diverse cities, such as Melbourne and Vancouver (the cities in this study), in which ethnicity may not correspond with nationality or origin.

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In summary, definitions of the 'migrant sex worker' often still remain ambiguous in sex work research. Yet it is crucial that this category be clearly defined, given the risks and vulnerabilities assumed of this group, the significant state interventions that are elicited to manage this group (e.g. workplace raids, stricter border control measures) and the range of migration- related factors that can

shape women's experiences in the workplace.3

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The static social location associated with the migrant sex worker identity contrasts with the significance of mobility in the lives and work of sex workers, such as movement in and out of il/legality (Agustín, 2006), movements between workplaces and work roles (e.g. worker, madam)

(Siegel, 2012) and the movement in and out of sex work (Bowen, 2013; Oso Casas, 2010). Given the importance of mobility in sex work, it may be more productive to analyse sex work through a mobility lens, rather than risk or vulnerability. For example, a number of sex work studies have explored how temporary and circular migration can shape working styles. In some studies, the temporary nature of migration was closely tied to women's aspirations and where women chose to invest their earnings and emotional attachments (Siegel, 2012; Oso Casas, 2010; Jacobsen & Skilbrei, 2010; Lyttleton, Deng & Zhang, 2011; Busza, 2005; Dahinden, 2010). Plans for temporary engagement in sex work were more closely associated with working conditions that maximised income, such as longer hours, tolerance for ambiguous working conditions and potentially riskier practices (Oso Casas, 2010; Cooper et al. , 2007; Dahinden, 2010; Ragsdale, Anders & Philippakos, 2007). Crossing borders has also been found to increase women's marketability in sex work, through the exoticisation of difference (Lyttleton et al. , 2011; Jacobsen & Skilbrei, 2010; Scambler, 2007; Downe, 2007; Dahinden, 2010; Kim & Fu, 2008; Mahdavi, 2010a; Ndjio, 2009) or due to client perceptions that migrant sex workers are able to offer an exoticised femininity at a lower price (Ndjio, 2009; Cooper et al. , 2007; Lee, 2006). The geographical distance afforded by sex work in another country can also allow women to maximise income- generating opportunities without the fear of stigma (Ragsdale et al. , 2007; Andrijasevic, 2010). The above speaks to how crossing borders can produce social difference that can position women differently in the sex industry.

Reliance on the migrant/citizen binary in sex work research also ignores the numerous migrant, citizen and resident categories present in both countries; for instance, permanent residents in both Australia and Canada hold more rights than temporary migrants but less rights than citizens (Citizenship and Immigration Canada, 2014; Department of Immigration and Border Protection, 2013).4 Yet, some sex workers who are citizens or permanent residents may continue to experience the consequences of being perceived as a 'migrant sex worker'—for example in anti- trafficking raids —based primarily on their perceived difference from 'the citizen'. In contrast to migrant sex work research that has tended to focus on the legal consequences of non- citizenship, sex work research on citizenship has

largely focused on the social dimensions of citizenship (Andrijasevic, Aradau, Huysmans & Squire, 2012 being one key exception). It appears that the concept of citizenship is still an awkward fit for sex work
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research. Conceptually, citizenship appears to be a much less used concept than migrancy within research about sex work. Part of this may be due to the extreme stigmatisation and social exclusion of sex workers in many countries, whether they are citizens or migrants. Sex workers often remain socially excluded from the citizenry (regardless of legal citizenship status) as their occupation often challenges the heteronormativity embedded in the national identities of numerous

countries (Sanders, 2007b). In this context, sex work by the citizenry can be perceived to be a betrayal of nation- building efforts, particularly in a globalised context (e.g. Cheng, 2011; Cabezas, 2004). As a result, sex workers are at best often offered what Scoular and O'Neill (2007) refer to as a 'conditional citizenship', or social inclusion dependent on conformity to heteronormative ideals.

The consequences for deviating from these ideals can include violence against sex workers by the state (e.g. law enforcement) (Kotiswaran, 2013).

The contestation of sex worker citizenship is also evident in the public and state resistance to sex workers who practise 'active citizenship' through civil and political participation, and engagement in activism and civil society organisations. This is particularly the case in sex workers' 'acts of citizenship' (Andrijasevic et al. , 2012) to disrupt the dominance of legally institutionalised citizenship or "territorially and culturally bounded practices" of citizenship (p. 498). For sex workers, citizenship is always regulated, whether socially regulated for citizens, or legally regulated for migrants or citizenship aspirants. The categories sex workers are sorted into (e.g. migrant, citizen, victim, offender) can influence perceptions of women's agency.

The precarity and risks of agency

Agency is critical to understanding how immigrant, migrant and racialised women negotiate their mobility and security in an often criminalised and stigmatised profession. However, the contestation of sex worker agency in public debates has resulted in research that emphasises the fact of sex worker agency (or if sex workers are capable of agency) rather than theorising the mechanics of agency (or how agency is exercised). Conceptualising agency is a central debate in social theory. Social theorists have debated whether structure determines agency, agency determines structure or structure and agency constitute each other (e.g. Sewell, 1992; Bilge, 2010). Definitions for agency vary but in the context of this study, agency can be generally understood as "the human capacity to act" (Ahearn, 1999, p. 12) or respond to a given situation (Campbell, 2005). This can encompass a wide range of behaviours, responses and intentions.

In sex work, some actions or intentions may be more recognisable as visibly agentic (e.g. collective organising efforts) while others may be less visible (Ham

& Gerard, 2014), such as decisions to remain silent. The conceptualisation of agency in sex work research differs in some ways to broader social theories of agency. The question of agency within sex work research tends to concern the constitution of agent and victim (e.g. Kempadoo & Doezema, 1998), rather than the dynamics between agency and structure.

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Conceptualisations of agency in sex work research has been partly influenced by the broader feminist debate on whether sex work constitutes a form of labour or a form of exploitation. The broader feminist debate about sex work occurs between those who define sex work as a form of gendered exploitation (i.e. dominance feminism, radical feminism, anti-prostitution abolitionists), those who define sex work as a form of sexual expression (i.e. sex radical feminism), and

those who define sex work as a form of labour (i.e. sex workers' rights perspective or labour perspective) (e.g. see Showden, 2011 for a summary of this debate). One of the main points of contention between these poles has been the notion of choice and consent. That is, whether women can legitimately 'choose'

to work in sex work. I would argue that the parameters of this debate have centred on a concept of agency that is dominated by anti- prostitution abolitionists' refusal to acknowledge women in sex work as knowing agents. For researchers situated within a sex workers' rights framework, anti- prostitution abolitionists' ideas of agency still arguably remain the main concept of agency to counter or respond to.

'Choice' thus arguably remains the paradigmatic expression of agency in sex work debates, with a focus on the 'choice' to enter into and/or remain in sex work (e.g. Sandy, 2007; Cavaleri, 2011; Abrams, 1995). The emphasis on the choice to engage in sex work as the defining expression of agency foregrounds a liberal, individualistic and de- contextualised concept of agency that can reproduce a troubling victim/agent dichotomy. In the debates about sex work, the anti-prostitution abolitionist definition of sex workers as victims contrasts with the sex workers' rights perspective of sex workers as agentic actors. This dichotomy provides a useful shorthand of the broader sex work debate, but it risks misrepresenting both agency and victimisation. In these debates, agency is suggested to be a tangible capacity one brings to a context, similar to a skill or a recognised degree of power. It is therefore not surprising that agency at times has been conflated with concepts such as autonomy, freedom and power. However, centring this conceptualisation of agency in sex work can bolster misleading victim/agent dichotomies and mask other forms of agency in sex work. Other choices or decision- making in sex work have historically received less attention in sex work debates but are increasingly theorised by sex workers and researchers employing a sex workers' rights lens. This includes sociological research on women's processes of choosing clients, work practices (e.g. Maher, Pickering & Gerard, 2012) and disclosure practices (Sanders, 2005), as well as public

health research on sex workers' safety strategies (e.g. Lazarus, Chettiar, Deering, Nabess & Shannon, 2011) and strategies to minimise health risks (e.g. Choudhury, 2010).

Stark victim/agent dichotomies run the risk of shaping interventions that

"undermine an individual woman's agency in order to protect her from systemic, categorical oppression" (Cavaleri, 2011, p. 15). Those working from an anti-prostitution abolitionist framework have emphasised victimisation as the defining characteristic of women in sex work and have historically sought punitive solutions through state, police and enforcement measures. This has included increasing criminal penalties against sex workers' clients, raiding sex work-Downloaded by [University of California, San Diego] at 22:47 15 January 2017

places and detaining 'rescued' workers. However, there is increasing evidence that these punitive approaches have threatened workers' access to health services (Surtees, 2003), damaged social relationships and increased HIV risk (Tucker, Ren & Sapio, 2010) and traumatised those who have been 'rescued' (Ditmore, 2009). The use of victim/agent dichotomies in public and policy discourses has also contributed to the conceptualisation of agency as a precarious entity.

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The acknowledgement of sex worker agency can seem like an accomplish-

ment in and of itself. A number of social theorists argue that agency, as the ability to act in a given context, is an intrinsic part of what it means to be human (e.g. Sewell, 1992; Ortner, 1996; Bourdieu & Wacquant, 1992); for example, Sewell argues that "a capacity for agency is as much a given for humans as the capacity for respiration" (Sewell, 1992, p. 20). Ortner (1996, p. 10) argues that agency is "part of being human, thus its absence or denial is as much a problem as its construction". If agency is always present as some social theorists suggest, then why does it appear so easy to erase the agency of sex workers in research, policy and public discourses? And what consequences does the discursive erasure of agency have on lived experiences of agency?

The ability to interpret what is and is not agency is closely related to power and social location (McNay, 2003). The erasure of women's agency is central to the anti- prostitution abolitionist framework, where choice in sex work is defined as a "logical impossibility" (Cavaleri, 2011, p. 6; Abrams, 1995). This framework relies on a circular logic where women's involvement in sex work constitutes proof of her victimisation and lack of agency. In this instance, the site in which agency is exercised (i.e. sex work) determines whether it is recognised or denied as agency, rather than the action itself. To understand how the agency of marginalised groups is erased, it may also help to examine what purposes the erasure of agency fulfils or the risks workers can experience if they are perceived as too agentic. Crude victim/agent dichotomies can incur consequences for immigrant, migrant and racialised women in sex work in three key ways.

First, when victim and agent are positioned as dichotomous poles, acknowledging agency runs the risk of being denied the social protection only afforded to 'authentic' victims. The "victim/agent dilemma" (Roggeband, 2010, p. 943) is not exclusive to sex workers, but has also been shown to have consequences for refugee youth (O'Higgins, 2012), lesbian, gay, bisexual and transgender asylum seekers (Heller, 2009), and women who have experienced violence (Abrams, 1995; Creek & Dunn, 2011). For these groups, access to support, resources or justice hinged on 'authentic' performances of vulnerability and concealing agency. A crude passive victim/agent binary can also lead to policies and practices that require victims to trade their agency for the social protection afforded to victims (Abrams, 1995). This is most visibly the case with trafficking victims in numerous countries, where services, visas and protections have been made conditional upon the victim's cooperation with authorities, and acceptance of restricted movement such as confinement within a shelter (GAATW, 2007).

Second, the insistence on women's victimisation in sex work and consequent need for protection is particularly salient in migrant sex work discourses. For Downloaded by [University of California, San Diego] at 22:47 15 January 2017

example, the stereotypes of Asian vulnerability and fragility (Sandy, 2007; Kempadoo, 1999) easily lends to a neo- colonial, protectionist rhetoric where the West functions as a protector or saviour of the East (Sandy, 2007; Agustín, 2003).

Scholars have also pointed to victim/agent dichotomies as a strategy to enforce gender conformity by rewarding 'good' women who adhere closely to a highly feminised victim role (Creek & Dunn, 2011; Segrave et al. , 2009; Abrams,

1995). This contrasts with the 'irresponsibility' attributed to women who demonstrate a more complicated agency (Abrams, 1995). Mainstream society may find it more comfortable or tolerable when marginalised groups are situated as victims and perceived as embodying passivity and gratitude. Demonstrations of agency, particularly those that resist victimising labels, may then be read as evidence of social threat or risk. For sex workers, equating agency with criminality is more evident when particular agentic strategies are criminalised. In Canada, adult sex work itself is not illegal but a range of associated activities are illegal.5

This creates a situation in which agentic strategies—such as negotiating safe practices and fair rates with clients, and assisting other workers to work safely—

remain criminalised under federal law.

Third, the victim/agent dichotomy has been used to question sex workers'

'representativeness' or their credibility to speak from an experiential standpoint (Ham & Gerard, 2014). When the sex worker identity is defined by vulnerability (as it is in the anti- prostitution framework), sex workers who demonstrate agency may be dismissed as an exception (Lyon, 2011; Ham & Gerard, 2014). However, an important opportunity for understanding the "creative dimension" of agency (McNay, 2003, pp. 140–141) is lost if the acknowledgement or recognition of agency continues to be the sole focus. As Agustín (2003, p. 32) argues, this leaves "little room

for more subtle issues of desire, aspiration, frustration, anxiety or myriad other states of the soul".

The recognition of agency cannot be taken for granted and still remains an important challenge in policy and practice. Yet a general validation of agency may not capture the fluctuations in immigrant, migrant and racialised women's agency in sex work. Women in sex work have discussed a wide range of agentic efforts but have also been very frank at the emotional toll that managing stigma and negotiating safety takes (Chimienti, 2010; Choudhury, 2010). In policy and practice, a more nuanced understanding of agency would hopefully encourage a climate in which frank discussion of 'vulnerabilising' contexts is not wielded as a political tool to erase women's agency, resilience and resistance. Rather than continuing to fixate on the question of 'do women in sex work have agency?', a more generative question such as 'what enables or hinders the agency of women in sex work?' has the potential to open up more productive discussions for policy and practice by redirecting our gaze to relational and contextual factors that shape agency.

An approach that captures the significance of context and relationships in shaping agency, or a relational and contextual approach to agency, is more useful in examining agency at the intersection of sex work, immigration, migration and citizenship. The agency exercised by or assumed of women will vary across Downloaded by [University of California, San Diego] at 22:47 15 January 2017

movement across borders and movement within the sex work sector. Women's social locations may also shift what is considered resilience or resistance, and the perceived utility of different agentic strategies. Demonstrations of agency will also vary depending on an individual's intended relations with the context they operate within. As Kabeer (1999) notes, these intended relations can vary between "negotiation, deception and manipulation, subversion and resistance"

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(p. 438). Agency thus encompasses a broader range of action that can include coping with powerlessness, responding to power or producing

power.

A theory that attends to structural factors is crucial to understanding agency in sex work, immigration and migration, as power is often structured in law, across borders and within workplaces in very specific ways. Practice theorists such as Sherry Ortner and Pierre Bourdieu emphasise the structural or contextual factors that influence how agency can be exercised or expressed (Ahearn, 1999; Ortner, 1996; Bourdieu & Wacquant, 1992), as "forms and distributions of agency are always culturally and politically constructed" (Ortner, 1996, p. 10).

For example, Lazarus et al. (2011) provide a structural analysis of agency by examining how housing policies of single resident occupancy hotels (e.g. guest policies, strict curfews) obstructed sex workers' attempts to earn an income, protect themselves against violence and maintain their support networks. Applying this lens to the experiences of immigrant, migrant and racialised sex workers can illuminate the structural factors that can enable or constrain women's agency in sex work, as well as structural factors that can be perceived as constraining or empowering by different workers.

In addition to contextual factors, Kabeer (1999) argues that any analysis of agency must also attend to the consequences or outcomes of any agentic strategy, as well as an analysis of the resources available. Kabeer's conceptualisation may allow a more reflective understanding of agency as experienced by immigrant, migrant and racialised women in sex work. Researchers' emphasis on acknowledging agency may often implicitly valorise the general concept of agency, without recognising disempowering expressions of agency, such as racialised power differences among workers (e.g. Campbell, 2005; Bouclin, 2006; Brooks, 2010). For immigrant, migrant and racialised women in sex work, citizenship and racialisation may shape perceptions about anticipated consequences and available resources. In turn, those consequences and resources may shape how agentic strategies are assessed and chosen. Employing Kabeer's conceptualisation of agency can also help illuminate how women's agency in sex work jeopardises or facilitates agency in other areas of their lives. For example, in Lazarus et al. 's (2011) study of single resident occupancy

hotel policies, sex workers preferred to return to sub- standard housing conditions even when those housing conditions did not meet city standards rather than pursue legal remedies, due to the criminalised nature of sex work in Canada.

A relational and contextual analysis of women's agency in sex work therefore permits analysis of how immigration, migration and social difference influences the specific relations women seek within the sex work context they operate within (e.g. resistance, accommodation, opportunism). An analytical approach that attends to the structural factors that constrain or facilitate women's agency Downloaded by [University of California, San Diego] at 22:47 15 January 2017

in sex work can also include the discursive practices that renders sex workers'

agency as precarious or risky. In particular, the agency exercised in collective work environments, discussed in the following section, provides a valuable and under- utilised lens to advance beyond the individualistic conceptualisations of agency in sex work research, and critically analyse enduring assumptions about isolation and vulnerability.

Exercising agency in collective workspaces

The individualised conceptualisation of agency that tends to dominate sex work discourses contrasts with a growing literature on sex worker agency exercised through collective activist efforts and sex worker- led organisations (e.g. Jeffreys, Autonomy, Green & Vega, 2011; Gall, 2010; Laverack & Whipple, 2010; Brewis & Linstead, 2000; West, 2000; Kempadoo & Doezema, 1998). The space between these two literatures—that is, agency in collective work environments (or agency in collective spaces other than activist arenas)—is relatively under-examined. Teela Sanders (2004a, 2004b, 2005) and Jacqueline Lewis (2006; Lewis, Maticka- Tyndale, Shaver & Schramm, 2005) have conducted valuable research on workplace relations from a sociological perspective, but overall, an exploration of sex workers' agency in collective work

environments (such as brothels and massage shops) remains an important, yet under- utilised, research framework to explore agency and mobility within sex work. The absence of research in this area contrasts with an increasing number of resources developed by sex worker rights organisations that provide guidance on how sex workers can work together as well as with non- sex workers in the sex industry (e.g.

BCCEC, 2010; INDOORS project, 2009; Chez Stella, 2010). This silence may be due to a number of reasons, including: (1) the focus on client–worker interaction as the main social unit analysed in sex work research, (2) themes of isolation and containment in sex work research, (3) the focus on visible activist efforts within the sex worker movement, and (4) the criminalisation of collective work practices. Each of these factors is discussed briefly below.

First, most sex work research has tended to focus on the sex in sex work rather than the work in sex work (Vanwesenbeeck, 2001). As such, it is not surprising that the interaction between the client and worker has been the main unit of analysis in sex work research. A significant proportion of sex work research, particularly in medicine and health sciences, has attended to this interaction via attending to questions of condom use among sex workers, safe sex practices with clients, the risks of sexually transmitted infection (STI) transmission, and violence (e.g. Fox et al. , 2006). Although worker–client interactions are a key part of sex work, sex work can often involve working with persons other than clients, including other sex workers as well as non- sex worker staff (e.g. maids, managers, receptionists, security guards, drivers).

Second, sex work research and public discourses around sex work have also arguably tended to frame sex workers as individual or isolated units, particularly as it relates to vulnerability. In particular, public health research has posited that vulnerability is a consequence of isolation from normative employment and Downloaded by [University of California, San Diego] at 22:47 15 January 2017

education options, information and healthcare (Wolffers, Fernandez, Verghis & Vink, 2002). However, other researchers have challenged this argument (Jeffrey

& Macdonald, 2006; Maher et al. , 2012; Ham & Gerard, 2014). Exploring how workers use their work networks offers an opportunity to challenge public and policy objectives of containing and controlling activities within the sex work sector. These objectives are evident via the emphasis on risk and transmission

(e.g. transmission of HIV, STI, criminality, etc.) that is often found in public discourses regarding sex work. By contrast, sex workers' use of networks to access information, support and assistance can represent a more empowering example of 'transmission', as well as challenging assumptions about sex workers'

isolation.

Third, although agency in collective workspaces is relatively under-explored, there is an increasing amount of literature on sex workers' collective activist efforts and sex worker- led organisations (e.g. Gall, 2010; Laverack & Whipple, 2010; Brewis & Linstead, 2000; West, 2000; Kempadoo & Doezema, 1998; Kotiswaran, 2013). These have included efforts to increase sex workers' professional legitimacy, structure work environments to strengthen workers' autonomy, improve relationships with law enforcement and legitimise sex workers'

desire to protect their safety by working with others (Laverack & Whipple, 2010; Gall, 2010; West, 2000). Such efforts include the British Columbia Coalition of Experiential Communities (BCCEC), which has lobbied Vancouver city officials to allow for the operation of a cooperative workspace to be managed by sex workers (Arthur, Davis & Shannon, 2013).

Collective agency encompasses a wide range of strategies, from activist efforts to worker efforts within specific workspaces. Some workers may be more invested and/or comfortable in negotiating their immediate work environments rather than more expansive activism (Kong, 2006). This may be due to anticipated consequences of stigma. For some women, sex work may be a temporary mobility strategy rather than a professional identity,

and organising around a professional sex worker identity may not reflect how they situate sex work in their lives. More visible activist efforts may not be seen as accessible or desirable for particular groups of sex workers, such as migrant sex workers or racialised sex workers. These groups may perceive different risks in more visible activist efforts, due to racialised stereotypes of sex workers or discourses around citizenship and belongingness in a particular national or local context.

Fourth, collective agency in the workplace is also complicated by laws that criminalise sex workers for working with others. For example, sex work (or

'prostitution' as it is identified in the Criminal Code) itself is not illegal in Canada, but many activities associated with prostitution are illegal.6 As of 6

December 2014, this includes displaying advertisements for a sex worker, assisting sex workers in their work (e.g. managers, receptionists, security) and purchasing sexual services (Chu, Clamen, Elliott, Pacey & Santini, 2014). Canadian anti- prostitution laws mean it can be illegal for sex workers to work together, although the ambiguity of the law makes it difficult to define exactly what scenarios would be considered criminal offences. For instance, although sex workers *Downloaded by [University of California, San Diego] at 22:47 15 January 2017*

are not technically prohibited from advertising their own services, displaying advertisements for other sex workers is prohibited. In a guide for sex workers and their allies, Chu et al. (2014, p. 11) argue that sex workers "could be prosec-uted under Bill C- 36 if you are advertising collectively with other workers, because you could be found to be knowingly advertising someone else's services, not just your own". The legal barriers to working with others in the sex

industry is contradicted by the fact that many sex workers feel safer when there are other sex workers and support staff nearby (Chez Stella, 2010;

Sanders, 2004a, 2005; BCCEC, 2010; Sanders & Campbell, 2007; Lewis, 2006; Krüsi et al. , 2012).

Collective workspaces may be one of the main sites that can be shaped by workers negotiating ambiguous spaces of legality and illegality. The literature that is available suggests sex workers make substantive efforts to shape, monitor and enforce work cultures (Sanders, 2004b, 2005). In a study of Canadian strip clubs (Lewis, 2006), dancers' relationships with other dancers, DJs and waitresses influenced access to income- generating opportunities (e.g. access to

'good' customers, good lighting, promotion by DJs) and allowed dancers to tailor their work according to their personal needs (e.g. preference for a 'slow'

or 'easy' day). Collective workspaces can be a valuable mechanism for providing a source of peer support in a heavily stigmatised profession (BCCEC, 2010), resisting disempowering laws and work policies (Lewis, 2006; Chimienti, 2010) and providing opportunities for skill development (Maher et al. , 2012; INDOORS project, 2009; Sanders, 2004a, 2005; BCCEC, 2010). Working collaboratively with others in sex work can increase access to information about abusive clients (INDOORS project, 2009; Krüsi et al. , 2012), safe work practices (BCCEC, 2010), time management and client management (Maher et al. , 2012), and emotional strategies required in sex work (Sanders, 2005). Working with others is also perceived to increase safety in a number of ways. This includes the maintenance of workplace norms that prioritise sexual health practices (e.g. condom use) as well as fair work practices (e.g. normative prices) (Sanders, 2004a, 2005; Sanders & Campbell, 2007). Working with others nearby also means that calls for help are more likely to result in immediate intervention (Sanders, 2004a; Krüsi et al. , 2012). The illusion of working with others was also perceived to be an effective deterrent against violence (INDOORS project, 2009; Sanders, 2004a, 2005). Strategies for this included workers spotting each other and monitoring each other's movements (Chez Stella, 2010; INDOORS

project, 2009), passing on client details and using passcodes when calling in and out of an appointment (Sanders, 2005).

Agency within collective workspaces can be an important mechanism for strengthening worker autonomy and protecting worker safety. Yet, exercising agency can be complicated by the criminalisation of sex work, the high mobility within the sex work sector and the extreme stigma attached to sex work. The structure of particular sex work sectors, whether through law, workplace policies or markets, can influence how collectivity or individualism emerges (Sanders & Campbell, 2007; West & Austrin, 2002; Lewis, 2006; Krüsi et al. , 2012). Street-Downloaded by [University of California, San Diego] at 22:47 15 January 2017

based sex workers have noted that street environments are not as conducive to fostering cooperation between workers as indoor- based work environments appear to be (Krüsi et al. , 2012). Hofmann (2010) argues that criminalisation and restrictive work policies foster competition among workers and results in an individualistic entrepreneurship that also functions as resistance against criminalisation. In other contexts, Sanders (2005, p. 98) argues that "the camaraderie

and shared code of practice, such as the price of sex acts and information sharing, weakens under the external strains of police pressure and community action".

The high mobility that is characteristic of sex work can complicate the development and maintenance of supportive collective workspaces. The high mobility within sex work can mean high turnover of staff in some workplaces, a view of sex work as temporary or short- term employment only and increased competition among workers (Sanders, 2005; Hofmann, 2010). Given the mobilities within sex work, a range of strategies may be required to maintain and manage consistent work dynamics. Sanders (2004b, p. 284) found that sex workers utilised humour as a workplace strategy to establish collegial relationships quickly with oft- changing staff in addition to using humour to manage clients efficiently, and equalise power between workers and clients:

Women often work with colleagues they have never met. Raillery, jesting

and comedy about clients, men and society's hypocritical views on prostitution create in- group cohesion in a short space of time. Humour is a bench-mark of the group's common experiences and risks, enabling new workers

to gain insight and learn from others.

Managing workplace dynamics also requires attention to power differentials.

Power can intersect with social differences, resulting in racialised, classed or gendered hierarchies (e.g. Bouclin, 2006; Brooks, 2010; Wahab, 2004; Bernstein, 2007). The sex work sector is often defined in terms of classed hierarchies that often intersect with assumptions about safety and autonomy. For example, escorts are typically positioned near the top (Lucas, 2005) and street- based sex workers are often classed much lower with higher risks of violence and unsafe work practices. Power can also be structured in very specific ways in the workplace. For instance, Lewis (2006) offers a detailed analysis of how power and dependence interact between exotic dancers, managers, waitresses, maids, receptionists, security and DJs. While non- dancer staff held substantial power over dancers' access to income- generating opportunities, their livelihood ultimately depends on dancers' labour.

The presence or absence of collective agency in the workplace is also complicated by the extremely high degree of stigma attached to the profession. Stigma can influence the degree to which violence against sex workers is normalised and obstruct workers' attempts to exit sex work (Maher et al. , 2012). It also demands a great deal of effort in managing and containing identities for sex workers (Maher et al. , 2012; Sanders, 2004a). Sanders (2004a, 2005) found that Downloaded by [University of California, San Diego] at 22:47 15 January 2017

sex workers perceived the emotional risks and consequences of stigma to be more urgent and less controllable than health and safety risks. If workers internalise the extreme stigma attached to sex work, this can impact cooperation or solidarity among workers, especially when stigma concerns assumptions about morality and the capability for self- control.

For women negotiating ambiguous boundaries between legality and illegality, immediate workspaces may be one of

the main sites where workers can exercise agency. However, workplace interactions can also be complicated by stigma, criminalisation and regulation, requiring continual, careful attention to workplace relations. In order to examine these practices, an understanding of the legal and regulatory frameworks that govern collective workspaces in Melbourne and Vancouver is provided.

Sex work and migration: regulatory intersections

Sex work is often complicated by regulatory frameworks that aim to contain or manage worker agency and mobility. Regulatory frameworks for both sex work and migration can reflect similar ambivalent impulses towards controlling yet benefiting economically from a socially Othered population, such as sex workers and migrants (O'Doherty, 2011; Sullivan, 2010). Anti- prostitution frameworks can bolster anti- immigration efforts, and vice versa. For example, Hong Kong immigration law offers a more efficient route to criminalising Mainland Chinese sex workers than anti-prostitution laws, given immigration law's lesser burden of proof (Lee, 2008; Laidler, Petersen & Emerton, 2007). Women may also move in and out of legality and illegality in migration and in sex work. Women may reside in Canada legally but engage in criminalised sex work. In contexts where sex work is legalised (such as Melbourne), women may hold citizenship or permanent residency but move between licensed and unlicensed brothels.

Both sex work and migration regulatory frameworks can be ambiguous about what is technically legal or illegal, leaving workers in a context where illegality may be (incorrectly) assumed (O'Doherty, 2011). The impact of regulation on sex workers' agency and mobility is often more complex than public discourses allow. Although public discourses and regulatory frameworks tend to link illegality with vulnerability, research has shown that illegality does not automatically facilitate exploitation. Operating outside the legal sex work sector may provide more autonomy

and mobility for some sex workers (van der Meulen & Durisin, 2008; O'Doherty, 2011; Maher et al. , 2012; Pickering, Maher & Gerard, 2009). However, this can depend on the extent of surveillance structured into regulation (as in Melbourne), and may present a difficult choice between criminalised autonomy or legalised surveillance.

Laws governing sex work can shape the "geographies and mobilities of sex work" (Maher et al. , 2012). O'Neill (2001 as cited in Maher et al. , 2012) has identified tolerance, containment and surveillance as the principles underpinning most regulatory approaches to sex work. It may be that containment and surveillance function as the 'cost of tolerance' or strategies in order to sustain a tacit agreement to tolerate sex work. These and other rationales that ground regula-Downloaded by [University of California, San Diego] at 22:47 15 January 2017

tory approaches often suggest underlying agendas or ideologies concerning the morality (Crofts & Summerfield, 2006) and/or inevitability of sex work. As Maher et al. (2012, p. 17) argue: "Sex work regulatory schemes almost always reflect broader global pressures in conjunction with more specific local agendas."

Some scholars have argued that regulatory models do not impact on the prevalence of sex worksites but do shape how sex workers are able (or unable) to

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exercise agency, their health and safety, economic security, rights and working conditions (Jeffrey & Sullivan, 2009; Harcourt et al. , 2010; Sullivan, 2010; O'Doherty, 2011). This section outlines three main regulatory approaches to sex work that shape spaces for worker agency: (1) criminalisation, through Canadian criminal laws governing sex work; (2) legalisation, through Victoria's licensing and registration framework for sex work businesses; and (3) decriminalisation, the framework advocated by most sex worker organisations and their allies globally. This section focuses on the distinctions between Canada's criminalisation approach and Victoria's legalised framework; however, a brief description

of decriminalisation is provided, given its importance in the sex workers' rights movement.

Decriminalisation refers to the removal of criminal penalties surrounding consensual adult sex work (Open Society Foundations, n.d.; New Zealand Government, 2008; Phoenix, 2007b). Decriminalisation approaches are often perceived as being grounded in concerns about sex workers, whereas legalisation approaches are perceived to be more concerned with the sex industry (Banach & Metzenrath, 2000; Ham, 2011). UN representatives and researchers have advocated for the decriminalisation of sex work as a strategy to reduce violence (Open Society Foundations, n.d.; Csete & Dube, 2010 as cited in Maher et al. , 2012), increase public health (Grover, 2010; Office of the UN High Commissioner for Human Rights, 2006), reduce HIV (Das & Horton, 2014; Shannon et al. , 2014), prevent corruption (Harcourt, Egger & Donovan, 2005), protect sex workers'

rights (Weitzer, 2009; Harcourt et al. , 2005), facilitate anti- trafficking efforts (Open Society Foundations, n.d.; Ham, 2011), reduce police abuse (Decker et al. , 2014) and reduce migrant sex workers' vulnerability to abuse and deportation (Brock et al. , 2000). New Zealand's Prostitution Reform Act 2003 remains the most significant example of a decriminalised approach to sex work and has been effective in reducing police corruption, strengthening sex workers' rights and strengthening safe sex practices (New Zealand Government, 2008).

However, rights and protections are only afforded to citizens of New Zealand (van der Meulen & Durisin, 2008); migrant sex workers are not protected under this law. In Australia, New South Wales and the Australian Capital Territory also employ a decriminalisation approach to sex work.

Australia's state and territory- specific approach to regulating sex work presents an interesting contrast to Canada's federal anti- prostitution criminal laws. Canada's anti- prostitution laws demonstrate a criminalisation approach to sex work across the country, whereas Australian states vary in their use of legalisation (Victoria, Queensland, Northern Territory), decriminalisation (New South Wales and Australian Capital Territory) and criminalisation (Western Australia, Downloaded by [University of California, San Diego] at 22:47 15 January 2017

South Australia and Tasmania) (Sullivan, 2010; Crofts & Summerfield, 2006; Harcourt et al. , 2005) . Jeffrey and Sullivan (2009) sum up the two countries' different approaches to regulating sex work as a contrast between 'puritanism' and

'pragmatism'. Canadian policy debates on sex work have been critiqued for their emphasis on ideological and rhetorical arguments concerning the morality of sex work (van der Meulen, 2011), and for grounding regulatory approaches in myths

surrounding sex work, rather than empirical evidence and sex workers' experiential knowledge (O'Doherty, 2011; Goodyear & Auger, 2013). By contrast, Australian states have attempted to tailor regulatory approaches to state priorities, with a focus on desired tangible outcomes, such as reducing police corruption or strengthening public health (Sullivan, 2010; Jeffrey & Sullivan, 2009; Harcourt et al. , 2010). In Victoria, the particular form of legalisation is based on principles of harm minimisation (Crofts & Summerfield, 2006; Pickering et al. , 2009; Maher et al. , 2012).

A harm minimisation approach is based on the premise that criminalisation (or the prohibition) of sex work increases sex workers' vulnerability to exploitation and violence. Priorities within a harm minimisation approach include public health and prevention of violence, child exploitation and forced prostitution. The state regulatory framework for sex work in Victoria includes the Sex Work Act 1994, Prostitution Control Regulations 2006, Prostitution Control (Fees) Regulations 2004 and Health (Infectious Diseases) Regulations 2001 (ISHCS, 2009) .

This includes a licensing and registration system for brothels, escort agencies and private escorts (Crofts & Summerfield, 2006); street- based sex work remains illegal. Regulatory bodies involved in overseeing the Victorian sex work sector include the Victoria Police and Consumer Affairs Victoria (regarding offences under the Sex Work Act 1994), the Business Licensing Authority and Consumer Affairs Victoria (regarding licensing controls and management) and local councils (regarding

planning restrictions around brothels) (Sex Work and Other Acts Amendment Bill 2011).

The legalisation of sex work in Victoria has resulted in benefits for some sex workers. A comparison of the sex work sector in Melbourne, Sydney and Perth found that legal brothels in Melbourne demonstrated the highest occupational safety and health standards (Harcourt et al. , 2010). Sex workers working legally are reported to be more likely to seek assistance from law enforcement personnel (Jeffrey & Sullivan, 2009). While legalisation may provide some measure of safety and social acceptance (or tolerance), legalisation models have also been critiqued for institutionalising surveillance and control over workers' bodies, and leaving workers outside licensed workplaces vulnerable to police harassment (Jeffrey & Sullivan, 2009; Sullivan, 2010; Crofts & Summerfield, 2006; ISCHS, 2009). Sex worker organisations and their allies have criticised Victoria's regulatory framework for impeding workers' autonomy, through advertising restrictions, mandatory testing for STIs and prohibiting street- based sex work (ISCHS, 2009). It has also been argued that the current licensing model in Victoria is facilitating the growth of the illegal sex work sector due to rising licence fees, numerous confusing regulations and a lack of effective oversight (Pickering *Downloaded by [University of California, San Diego] at 22:47 15 January 2017*

et al. , 2009).

Victoria's regulatory framework has also been critiqued for attempting to affix what is spatially and temporally mobile (Maher et al. , 2012). The current licensing and registration system does not provide an expedient way of recognising movement into other areas of sex work (e.g. transition from brothel to escort work), which can easily 'illegalise' workers who have registered within one sex

work sector but now wish to move to another within the sex work industry. Sex workers' migrant status also has different implications within the numerous offices that oversee the sex work sector; for instance, migrant

sex workers without access to Medicare have to pay for healthcare and may find it more difficult to fulfil the mandatory sexually transmitted infections (STI) testing regulations (Maher et al. , 2012; Inner South Community Health Service, personal communication). One key example of migrant sex work issues that has emerged in Victoria is the relatively recent increase of South Korean women travelling to Victoria to work in the sex industry.

As one of the main groups of immigrant or 'culturally and linguistically diverse' (CaLD) sex workers in Australia, the presence of South Korean sex workers in Melbourne offers an interesting example of how the regulation of sex work affects migration, and vice versa. South Korean sex workers constitute a sizable group in Australia (Ham, Jung & Jang). In 2006, the Australian National Audit Office (2006, p. 75) reported that South Koreans constituted the largest group of non- Australian citizens in the sex industry over the 2004–2005

12-month period, with most sex workers on Working Holiday visas (208 out of 244). There was a substantial increase in the number of South Korean sex workers holding Australian Working Holiday visas between 2003 and 2005.

This increase occurred in the same period as the introduction of two South Korean anti- prostitution laws in 2004: the Act on the Punishment of Procuring Prostitution and Associated Acts, and the Act on the Prevention of Prostitution and Protection of Victims Thereof (my emphasis) (Cheng, 2011). These laws were developed in response to a Tier 3 ranking in the 2001 US Trafficking In Persons report (Cheng, 2011).7 In addition to conflating sex work and trafficking, these laws reproduced a very simplistic and punitive dichotomy between

'victims and villains' or 'protection and punishment' (Cheng, 2011). This has resulted in a punitive environment for sex workers in South Korea, which community stakeholders, law enforcement officers and the 2010 Victoria Drugs and Crime Prevention Committee have suggested is partly responsible for the movement of South Korean sex workers and trafficked persons to Victoria (Pickering et al. , 2009; Na, 2012; Jeffreys, 2009).

The above speaks to how the criminalisation of sex work in one location can shape migration for sex work in another. This issue also demonstrates how the visibility of sex work can heighten policing of women's migration by law enforcement officials, border security officials and diaspora communities in Melbourne. Interviews with airport officials in Sydney and Melbourne have revealed that assumptions about trafficking and sex work influence screening and search procedures for specific nationalities of female travellers, including South Downloaded by [University of California, San Diego] at 22:47 15 January 2017

Korean women (Pickering & Ham, 2014). Perceptions also vary as to the factors that shape how South Korean sex workers work in Melbourne. Law enforcement agencies have perceived debt contracts and migration brokerage arrangements as infringing on South Korean workers' autonomy (Pickering et al. , 2009).

However, South Korean sex workers' agency and mobility is also likely to be impacted by the extra- territorial reach of South Korean anti-prostitution laws;

that is, South Korean sex workers can be charged for engaging in sex work abroad, once they return to South Korea ("S Korea Wants Crackdown on Sydney Prostitutes", 2012). For instance, one government official contacted brothels in Sydney to ask for the names of any South Korean sex workers working in Sydney brothels ("S Korea Wants Crackdown on Sydney Prostitutes", 2012).

The South Korean Government's attempts to police women's sexual activity across borders are compounded by Korean- Australian communities' vigorous support of crackdowns against South Korean sex workers as a matter of national pride (Ham et al. , 2016). Sex workers' movement from a criminalised context in South Korea to a legalised context in the Australian state of Victoria demonstrates the social or moral orientations that underpin different regulatory frameworks. Legalisation approaches are more likely to be based on assumptions that negative effects of sex work should be minimised. By contrast, criminalisation approaches

suggest a different moral orientation, specifically that sex work is a social ill that needs to be eliminated rather than managed.

The extent of criminalisation can differ across countries. For example, both the sale and purchase of sex is explicitly illegal in most US states (Showden, 2011), whereas it is the purchase of sex that is the main target of law enforcement in Sweden (Dodillet & Östergren, 2011). In Canada, prior to December 2014, sex workers' rights advocates were specifically concerned about four laws that criminalised aspects of consensual adult sex work: (1) owning or occupying a 'bawdy house' or a place that is regularly used for sex work; (2) living on the avails of prostitution, such as earnings; (3) talking in a public place to arrange a commercial sex transaction; and (4) procurement or assisting anyone to work in sex work, including security staff, receptionists and accountants. The recent laws passed in Canada in December 2014 have expanded criminal penalties associated with sex work by explicitly criminalising clients and third parties who work with sex workers (e.g. receptionists, security) (Chu et al. , 2014).

In essence, sex work remains heavily criminalised although technically not illegal in Canada. As discussed earlier, these laws essentially criminalise sex workers' agency and safety strategies. Practising sex work within the limits of the Canadian Criminal Code—that is, working alone, not sharing work information with potential clients (e.g. advertising) and not negotiating terms with the client—may decrease the risk of arrest but it also decreases the amount of power sex workers can exercise with their clients. Strategies such as negotiating with clients, working with others and having a regular workplace has been reported to decrease the risk of client violence (Chez Stella, 2010; Sanders, 2004a, 2005; BCCEC, 2010; Sanders & Campbell, 2007; Lewis, 2006; Krüsi et al. , 2012), but would put workers and staff they work with (e.g. security, receptionists) at Downloaded by [University of California, San Diego] at 22:47 15 January 2017

increased risk of arrest. In essence, these laws set up an extremely difficult choice for sex workers between increasing their vulnerability with clients and increasing their vulnerability with law enforcement.

There is an increasing amount of evidence that criminalisation produces harm for sex workers and the communities they work in. Criminalisation approaches to sex work have been shown to encourage a culture of corruption (Crofts &

Summerfield, 2006; Harcourt et al. , 2005), threaten public health objectives (O'Doherty, 2011; Crofts & Summerfield, 2006), suppress the rights of sex workers (Harcourt et al. , 2005), foster the isolation of sex workers (O'Doherty, 2011), deter sex workers from seeking help (O'Doherty, 2011) and increase the economic vulnerability and risk of violence by law enforcement personnel and clients (van der Meulen & Durisin, 2008; Shaver, Lewis & Maticka- Tyndale, 2011; van der Meulen, 2011; Shannon, 2010; O'Doherty, 2011). This was recognised by the Superior Court of Ontario (in 2010) and the Supreme Court of Canada (in 2013), both of which struck down three Canadian sex work- related laws against 'bawdy houses' (210), 'living on the avails' (212(1)(j)) and 'communicating' (213(1)(c)) as violations of the right to liberty and security guaranteed by the Canadian Charter of Rights and Freedoms (O'Doherty, 2011; Shaver et al. , 2011; Chu et al. , 2014).8

The policing of sex work in Canada is also significantly influenced by anti-trafficking discourses. The intersections between Canadian sex work and migration policy issues suggest an ambivalent orientation towards both sex work and migration, and confusion about what constitutes trafficking. The most prominent example of this may be what has been referred to as Canada's 'stripper visa' (i.e.

temporary work permits for exotic dancers). In the 1970s and 1980s, this temporary work permit allowed American dancers to cross the border to work in Canadian exotic dance clubs (Macklin, 2003). When the Canadian exotic dance industry shifted to lap dancing with more physical contact in the 1990s, Canadian and American dancers protested these industry changes (Bouclin, 2006) and more Asian and Eastern European dancers applied for these visas (Macklin, 2003). The changes in worker demographics resulted in heightened public concerns about trafficking and immigration officials agreed to deny visas to women suspected of entering

for the purposes of employment in the sex work sector (although the visa category was retained) (Macklin, 2003). In 2012, the Canadian Parliament passed Bill C- 38, which prohibits Canadian employers from hiring temporary foreign workers in the sex work sector (Payton, 2012a). It has also given immigration officials more discretionary power to refuse migrants entry into Canada on the basis that they might be exploited in sex work (Payton, 2012b).

Other high- profile cases have justified punitive measures against Asian sex workers within an anti- trafficking rhetoric. In 1997, an extensive raid of massage parlours was carried out in Toronto, ostensibly to identify victims of trafficking.

Instead, both trafficking victims and sex workers were arrested, had their earnings and property confiscated (thereby increasing their debt to brokers), and suffered a lack of due process (uninformed consent) and abusive treatment by law Downloaded by [University of California, San Diego] at 22:47 15 January 2017

enforcement officers (Suthibhasilp, Petroff & Nipp, 2000). High- profile anti-trafficking efforts led by law enforcement officers have also relied on highly racialised and gendered ideas of vulnerability. In 2006, 18 Asian massage parlours in Vancouver were raided by law enforcement in an effort to locate victims of trafficking and exploitation. No victims of trafficking were identified but more than 100 Asian women sex workers were arrested ("18 Massage Parlours

Raided, 100 Arrested", 2006). All were found to be permanent residents and citizens. The intersection of sex work and migration regulation in both Australia and Canada speak to the policing of nationality in both countries. In Canada, the previous examples reveal how the legislative confusion around sex work is mirrored by the state's confusion in combating trafficking. This confusion is evident in punitive measures directed against those deemed to be at the greatest risk for exploitation, namely immigrant, migrant and racialised women in sex work.

Conclusion

Immigrant, migrant and racialised sex workers' agency and mobility is complicated by sex work and migration regulatory frameworks that often aim to contain, monitor and control women's agency and mobility. The previous examples demonstrate that the regulation of sex work can shape women's migration and that the visibility of 'the migrant sex worker' can also shape how women's sex work is policed in the workplace, in the community and at the border. Internationally, the intersection of sex work and migration is still dominated by anti-trafficking discourses and migrant sex workers still remain the paradigmatic example of the risks of women's migration. Yet women's lived realities of sex work, immigration, migration and citizenship may reveal a much more varied spectrum of agency, opportunity, risk and vulnerability than is currently allowed in public discourses around 'migrant sex workers'.

Central to this study is the interrogation of the 'migrant sex worker' category.

To do this requires analysing a range of women's experiences and identities that may fall outside the static categories that persist in research and public discourses. Overall, categorising the 'migrant' still appears to be more strongly associated with the assumed vulnerabilities of workers' social location (e.g. race, class, gender) rather than sex workers' actual migration trajectories. The inclusion of a wide range of social differences under the 'migrant sex worker' category has also strangely ignored a diverse spectrum of immigration, migration and citizenship experiences in sex work research. This study addresses these absences in two key ways. First, the different dimensions of being a 'migrant'

sex worker are explored, including women who are legally categorised as migrants, women who identify as migrants and women who are treated as or assumed to be migrants (regardless of their actual status), such as racialised women in sex work. Second, the migration- related factors that shape women's experiences in the workplace are examined, rather than a static 'migrant identity'. This focus may produce a more nuanced understanding of how social location and agency fluctuate and are negotiated across contexts.

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A relational and contextual analysis of women's agency in sex work offers an opportunity to examine how immigration, migration and citizenship shapes the specific relations women seek within the sex workspace they operate within (e.g.

resistance, accommodation, opportunism). In particular, the agency exercised in collective work environments provides a valuable and under-utilised lens to understand agency as relational and contextual by attending to workplace

interactions. For women negotiating ambiguous boundaries between legality and illegality, the workplace may be one of the main sites where workers can exercise agency. Yet, workplace interactions can also be complicated by stigma, criminalisation and regulation, requiring much more careful management of visibilities, identities and agency.

As detailed in this chapter, immigrant, migrant and racialised women's involvement in sex work occurs across contexts where women experience varying degrees of power, which can be influenced by a range of social differences, such as migrant status, racial identity and age, to name a few examples. A theoretical framework that attends to the links between the production of power and social difference, namely intersectionality theory, is therefore necessary in analysing the agency of immigrant, migrant and racialised women in sex work.

This framework is discussed in the following chapter.

Notes

1 While human trafficking involves the recruitment and movement of persons through threat, force or fraud for the purposes of exploitation (as defined by the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children), migration for sex work involves

movement to engage in sex work and does not necessarily involve threat, force or exploitation.

2 Rural and urban status are institutionalised through the hukou system, which confers differential rights and entitlements based on household registration in rural and urban areas.

3 The specific criteria for this study are detailed in Chapter 4.

4 For example, Canadian permanent residents "have the right to: get most social benefits that Canadian citizens receive, including health care coverage; live, work or study any-where in Canada; apply for Canadian citizenship; protection under Canadian law and the Canadian Charter of Rights and Freedoms". Canadian permanent residents are "not allowed to vote or run for political office, [or] hold some jobs that need a high- level security clearance" (www.cic.gc.ca/english/newcomers/about- pr.asp). Australian permanent residents have "most of the rights and entitlements of a citizen" with the exception of voting in Australian Government elections and ensuring "valid travel authority if they wish to return to Australia as a permanent resident" (www.immi.gov.au/Live/

Pages/australian- permanent-resident- information.aspx).

5 Prior to 6 December 2014, this included federal criminal laws against soliciting, assisting sex workers and living off the avails of prostitution (Sections 210–213, Canadian Criminal Code). These laws were struck down in December 2013 by the Supreme Court of Canada for violating sex workers' rights under the Canadian Charter of Rights and Freedoms (Chu et al. , 2014). In response, the Federal Government passed Bill C- 36 or the Protection of Communities and Exploited Persons Act on 6 December 2014. This bill criminalises sex work to a greater degree, notably by criminalising the purchase of sex work and replacing the laws struck down by the Supreme Court with similar laws criminalising solicitation, advertising and working with third parties (Chu et al. , 2014). The Downloaded by [University of California, San Diego] at 22:47 15 January 2017

implications of these legislative changes for this study are explained in Chapter 6.

6 Ibid.

7 The US Government's annual Trafficking in Persons (TIP) report is used to influence anti- trafficking policy in various countries. Countries that have not implemented anti-trafficking measures in line with US agendas (e.g. eliminating prostitution) are evalu-ated as not tackling trafficking adequately. Rankings in the US TIP report are tied to international aid payments and/or trade relations (Ham, 2011).

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8 In March 2012, the Ontario Court of Appeal judged the laws concerning 'bawdy houses' and 'living on the avails of prostitution' to be unconstitutional but argued that the 'communicating for the purposes of prostitution' should remain illegal. Canada's Federal Government has appealed this ruling to the Supreme Court of Canada, which ruled that 'communicating for the purposes of prostitution' also violated sex workers'

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3 Intersectionality and social

difference in sex work research

This research aims to contribute an innovative application of intersectionality theory to a criminological study of immigrant, migrant and racialised women in sex work. In this chapter, I outline key principles of intersectionality and discuss its roots in Black feminist thought, before discussing how an intersectional framework can illuminate the links between processes of social categorisation and immigrant, migrant and racialised women's agency, mobility and security in sex work. This chapter also explores how the experiences of mobile, globalised workers in a stigmatised industry (i.e. the sex work sector) can contribute to broader intersectional theoretical discussion on the production of power, social difference and mobility. Intersectionality theory has been referred to as feminist theory's most important theoretical contribution (McCall, 2005), with significant implications for migration research (Silvey, 2004; Burgess- Proctor, 2006; Bilge

& Denis, 2010), social movements, international human rights and public policy (Chun, Lipsitz & Shin, 2013; Hancock, 2007). However, it is still arguably under- utilised in criminology. Daly argues that intersectionality

in criminology still remains more "an aspiration for the future than a research practice today"

(2010, p. 237; also see Daly, 1997; Daly & Maher, 1998), although Potter (2013) argues that an intersectional lens is evident in feminist criminological research, even if not explicitly labelled as intersectionality.

An overview of intersectionality theory

Intersectionality theory attends to the various relations between power and social difference (e.g. race, class, gender) (Naples, 2009; Burgess-Proctor, 2006; Dhamoon, 2011) or "the complex, irreducible, varied, and variable effects which ensue when multiple axes of differentiation—economic, political, cultural, psychic, subjective and experiential—intersect in historically specific contexts" (Brah & Downloaded by [University of California, San Diego] at 22:47 15 January 2017

Phoenix, 2004, p. 76). Detailed historical overviews of intersectionality theory have been provided by a number of sociological, gender studies, criminological and political science scholars (Garry, 2008; Naples, 2009; Brah & Phoenix, 2004; Davis, 2008; McCall, 2005; Hancock, 2007; Daly, 1997). Rather than reproducing these comprehensive accounts, two antecedents are highlighted here for their significant contribution to the development of social difference theories.

Antecedents and Black feminist thought

The intersectionality theory that emerged from Black feminist thought in the late 1980s/early 1990s built on two social threads that challenged the construction of social differences and the production of inequality: (1) postmodern/poststructuralist theory, and (2) critiques of second- wave feminism from women of colour and lesbian activists (Bürkner, 2012; McCall, 2005; Brah & Phoenix, 2004).

Feminist theories have drawn on Foucauldian concepts of power and the production of knowledge, the inscription of power on bodies and the

pathologising of counter- hegemonic discourses (Davis, 2008), as well as Bourdieuian concepts of the relations between structure, agency and social inequality (Bürkner, 2012).

The expansion of postmodern/poststructuralist social theories paralleled critiques of second- wave feminism from women of colour and lesbian activists in the 1970s and 1980s (Brah & Phoenix, 2004; Glenn, 1985). Women of colour, lesbians and working- class women argued that centring the experiences of White, middle- class, heterosexual women (those most visibly representative of second-wave feminism) as a 'universal' gendered experience masked the complexities of privilege and oppression among women (Collins, 2000; Glenn, 1985; Calavita, 2006; Brah & Phoenix, 2004; Davis, 2008; Matsuda, 1991; Crenshaw, 1991; Daly, 1997; Lutz, Vivar & Supik, 2011).

These two antecedents grounded the theoretical development of intersectionality theory by African- American feminist scholars in the late 1980s/early 1990s, drawing on arguments that African- American women writers and activists had been voicing since the late 1800s (e.g. Pot er, 2013; Crenshaw, 1989, 1991; Col ins, 1993). Kimberlé Crenshaw (1991) coined the term 'intersectionality' to examine how processes that were supposed to remedy inequality were instead further marginalising women of colour. Crenshaw argued that this was occurring because systems (e.g. legal, healthcare, social service) were conceptualising social difference as discrete, separate categories and relying on Whiteness as a universal template for personhood. In the US legal system, Black women's anti-discrimination cases fell

'through the cracks' when their experiences didn't adhere to neat, absolute distinctions between race and gender (Crenshaw, 1989). Her analysis also il uminated how social movements centred on one dimension of inequality (e.g. women's rights) often reaffirmed other social hierarchies (e.g. racial hierarchies). These contradictions in praxis led intersectional scholars (e.g. Crenshaw, 1989; Col ins, 1993) to cal for more advanced theoretical conceptualisations that could adequately capture the complexity of social difference and guide effective praxis.

Since the early theoretical conceptualisations from Black feminist scholars in the late 1980s/early 1990s, the development of intersectional theory has included Downloaded by [University of California, San Diego] at 22:47 15 January 2017

contributions from a diverse range of scholars. UK feminist scholars have argued for a more relational understanding of power (Naples, 2009; Brah & Phoenix, 2004). Indigenous scholars have analysed the intersections between gender violence and indigenous sovereignty (Hunt, 2013; Institute for Intersectionality Research and Policy, 2012). Latin- American theorists have challenged Euro-centric conceptualisations of gender, race and class (Brewer, Conrad & King,

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2002). European theorists have discussed the import of American conceptualisations of intersectionality (rooted in social movements around race, gender and class) in European contexts where top- down approaches to intersectionality pre-dominate (Lutz et al. , 2011). From these diverse historical, regional and disciplinary engagements, a few key theoretical principles have emerged that are of particular relevance for sex work research.

Key theoretical principles

Central to intersectionality theory is the mutually constitutive nature of social categorisation or the simultaneity of social locations (Lutz et al. , 2011; Hancock, 2007; Garry, 2011; Collins, 2000, 2003; Ken, 2008). Intersectionality offers a theoretical advancement from 'unitary approaches' that stress one static social dimension (e.g. race or gender), and multiple approaches that emphasise a number of equally important but separate social dimensions (e.g. race and gender). By contrast, intersectional approaches examine the "explanatory power"

(Hancock, 2007, p. 67) of more than one social differentiation process in maintaining inequality (e.g. how race produces gender). In the sex work sector, the marketing, performance and perceptions of gender cannot be

separated from race, age, heterosexuality and other social differences (e.g. ability, class, etc.).

For practitioners and policymakers concerned with sex work issues, ideas about vulnerability and risk may also be grounded in certain ideas about ethnicity, age, class and migrant status.

Conceptualising social differentiation processes as mutually constitutive and interactive has allowed intersectional theorists—in law, sociology, political sciences, gender studies, psychology and geography—to challenge the homogeneity implied within identity politics, second- wave feminism and radical feminism (Matsuda, 1991; Hancock, 2007; Crenshaw, 1991; Cole, 2008; Yuval- Davis, 2006). Intersectional theoretical approaches have instead aimed to correct simplistic, additive analyses that measure oppression by simply counting the number of 'oppressed identities' or marginalised social locations. Intersectional scholars have also argued against falsely 'pure' binaries of oppressor/victim (Collins, 2000; McCall, 2005; Choo & Ferree, 2010), instead recognising that most individuals occupy multiple social locations, some privileged and some marginalised, and that these can change over time and across contexts (Dhamoon, 2011; Garry, 2008; Burgess- Proctor, 2006).

This principle of recognising the heterogeneity of experience offers two avenues to advance research, policy and public discourses about sex work beyond voluntary/forced dichotomies. First, the deeply polarised argument *Downloaded by [University of California, San Diego] at 22:47 15 January 2017*

whether sex work is inherently exploitative (i.e. radical feminist, dominance theory or abolitionist perspective) or a form of labour (i.e. sex worker rights perspective) reflects contrasting understandings of women's experiences. As discussed in Chapter 2, prostitution abolitionist perspectives have relied on a stark oppressor/victim dichotomy where women's sexual subjectivities are primarily constituted by men's dominance (Abrams, 1995). In contrast, those who argue

that sex work is a form of labour have emphasised working conditions (rather than the site of work) as a key determinant shaping workers' power or oppression (e.g. Kempadoo, 1998; Shaver, Lewis & Maticka- Tyndale, 2011). For those working from a sex workers' rights perspective, the diversity within sex work demands a more sophisticated conceptual framework that recognises how power and agency differs across workplaces, across regulatory contexts and across categories of social difference. Second, the work of intersectional theorists (e.g.

Crenshaw, 1991) has also demonstrated that how we conceptualise inequality determines the relevance of interventions developed to reduce inequality. With a highly charged issue, such as sex work, how stakeholders understand sex work can have a significant impact on women's ability to exercise agency and power in the workplace. For sex workers, this can mean the difference between punitive, 'forced rescue' approaches favoured by prostitution abolitionists, or occupational health and safety approaches within a labour rights framework. In order to better understand and counter inequality, intersectional theorists have conceptualised a number of models.

Centring power versus centring difference

Given the breadth and depth of social difference, a number of feminist scholars have conceptualised models to illuminate specific power-difference dynamics and their effects. Although most scholars engage with both conceptualisations of power and social difference, some scholars have foregrounded the various mechanisms through which power acts through social difference. Other scholars have developed models geared towards managing the complexity of social difference interactions.

Power- centred intersectional models can offer different entry points into understanding immigrant, migrant and racialised women's experiences in sex work. Models that foreground power may provide a more relevant direction for praxis by highlighting sites or processes that require change, and how power is produced through social change processes. Intersectional scholars in law, sociology and women's studies also caution that intersectional research can perpetuate the same social categories it seeks to destabilise, if power relations are not centred in any analysis of

social difference (Cho, Crenshaw & McCall, 2013; Hulko, 2009; Collins, 2003; Bilge, 2013). For example, Patricia Hill Collins's (2000) 'matrix of domination' centres four power dynamics that structure social difference and sustain inequality: structural, disciplinary (e.g. role of the state), hegemonic and interpersonal. Within this matrix, Hill Collins views each sphere as reinforcing other spheres—structural (institutionalising or defining inequality), Downloaded by [University of California, San Diego] at 22:47 15 January 2017

disciplinary (regulating inequality), hegemonic (naturalising inequality) and interpersonal (performing inequality)—with a focus on the hegemonic sphere as a key link in naturalising inequality.

While Collins's matrix foregrounds the management of or engagement with

inequality, Kimberlé Crenshaw's (1991) introduction to the theoretical concept of intersectionality focuses on the sites in which inequality emerges or is

enacted. She distinguishes between structural intersectionality or the production of inequality, political intersectionality or the sites of collaboration and contradiction between social movements, and representational intersectionality or the cultural construction of social difference. Her analyses of emancipatory processes and the complexities of collaboration also provide a valuable counterpoint to models that focus more on oppression and domination. In discourses about

'migrant sex workers', issues of representational intersectionality are closely connected to issues of political intersectionality. For example, in anti- trafficking organisations' representations of migrant sex workers as passive victims in need of rescue (Andrijasevic, 2007) and the use of the "Third World prostitute" trope by women's rights organisations in the global North (Kempadoo, 1999).

In contrast to scholars who foreground power in their analyses of intersectionality, a number of scholars have developed models that are

more attuned to various kinds of difference. While the fluidity and interactivity of social difference is a tenet of intersectionality, difference-centred models may stabilise or

'contain' social categories just enough to facilitate analysis. As the following examples demonstrate, difference- centred models can also help clarify distinctions between processes and impacts of social categorisation processes.

McCall (2005, p. 1774) proposes three 'intersectional methodologies' that aim to guide researchers' management of fluid social categories: (1) anti-categorical, or challenging the construction and categorisation of social difference; (2) intra- categorical, or starting from identities and lived experiences "at neglected points of intersection", which highlights the impacts and uses of social categorisation; and (3) inter- categorical, or examining the relations between social difference and inequality. Dhamoon (2011) offers a similar conceptualisation that distinguishes between identities (e.g. a Muslim woman), categories of difference (e.g. race, gender), processes of differentiation (e.g. racialisation, gendering) and systems of domination (e.g. racism, colonialism, patriarchy) as foci for intersectional analysis. She notes that although identities and categories can provide useful starting points to theorise about broader issues of social difference, attending to the workings of systems and processes highlights power dynamics more readily.

All of the above models offer valuable frameworks for sex work research, and all would assist researchers in illuminating different aspects of sex work, as it relates to immigrant, migrant and racialised women. For the purposes of this study, McCall's three intersectional methodologies provide a useful framework to assess the impacts and consequences of the 'migrant sex worker' category on the lives of immigrant, migrant and racialised women in sex work. First, in

Chapter 5, I employ an 'anti- categorical' methodology to examine how sex *Downloaded by [University of California, San Diego] at 22:47 15 January 2017*

workers' social differences (e.g. race, class) shift across workplaces and borders and how these shifts shape spaces for agency, mobility and security in sex work.

Second, in Chapter 6, I use an 'inter- categorical' methodology to consider how regulatory frameworks produce illegality and legality in sex work and migration, and how these fluctuations of illegality and legality (in movement and within the workplace) are negotiated by immigrant, migrant and racialised women sex

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workers in order to secure their agency, security and mobility. Third, Chapter 7

employs an intra- categorical approach by centring lived realities "at neglected points of intersection" (McCall, 2005, p. 1774), in order to explore women's agency in collective workspaces, such as brothels or 'massage shops'.

Although 'migrant sex workers' could hardly be considered a neglected category in public and research discourses, it is still relatively rare to encounter research that starts from sex workers' perspectives of the categories and labels imposed on them. Chapter 7 does this by exploring how sex workers themselves construct and use social difference to maximise business and structure preferred working environments. My use of a difference- centred model is not meant to marginalise an analysis of power; rather, this choice is based on the power of the

'migrant sex worker' category in research and public discourses (as discussed in

Chapter 2). As Tomlinson (2013, p. 1012) notes, "if critics think intersectionality is a matter of identity rather than power, they cannot see which differences make a difference. Yet it is exactly our analyses of power that reveal which differences carry significance." In this context, a difference- centred model can prove to be a useful tool in interrogating the power of and reliance on the

‘migrant sex worker’ category in public and research discourses.

Intersectionality and sex work research

This section builds on the preceding overview by highlighting a few key ways intersectionality can contribute to an analysis of social categorisation processes and women’s agency, mobility and security in sex work. The experiences of mobile, globalised workers in a stigmatised industry (i.e. sex work) can also contribute to the broader intersectional theoretical discussion on the production of power, social difference and mobility.

Examining social constructions of ‘migrant- ness’ and ‘sex worker-ness’

Intersectionality theory’s utility in destabilising socially constructed differences (McCall, 2005) is particularly relevant for the study of sex workers and migrants, two categories at the centre of this study. The categories of ‘sex worker’ and

‘migrant’ can encompass very ambiguous and complex realities. Although this study encompasses a range of migration and citizenship categories, this section focuses on the social construction of the ‘migrant’ category, given the reliance of sex work research on this ‘label’ to encompass a range of social differences.

For instance, there are different dimensions of being a ‘migrant’ sex worker, including sex workers who are legally categorised as migrants, sex workers who Downloaded by [University of California, San Diego] at 22:47 15 January 2017

identify as migrants and sex workers who are treated as or assumed to be migrants (e.g. racialised workers).

Overall, I would argue that categorising the migrant still appears to be more strongly associated with the assumed vulnerabilities of social differences (e.g.

race, class, gender) rather than sex workers' actual migration trajectories, as discussed earlier in Chapter 2. An intersectional lens can aid in interrogating social

constructions of 'migrant sex workers' at various levels (e.g. institutional, legal, hegemonic) as well as how these constructions are negotiated, affirmed or contested by women in sex work. Intersectionality theory can also illuminate the various relations between socially constructed identities, policy and practice, including the influence of assumptions about gender, race and sexuality on policy and practice (Silvey, 2004), and how policies structure the gendered options available to 'migrant' women.

Similarly, there can be a wide range of opinions on what constitutes 'sex work'. Some workers insist on a clear distinction between sex work, which includes direct physical contact with clients, and forms of sexualised entertain-ment, such as exotic dancing, which do not necessarily involve physical contact (Bouclin, 2006). In the United States, prostitution is almost always illegal (with the exception of specific districts in the state of Nevada). Yet, pornography, which also involves performing sex for money, is protected as free speech under the First Amendment of the US Constitution (Showden, 2011). What is labelled

'sex work' may also depend on the social locations (e.g. racial identity) of the individuals involved. For instance, Cabezas (2004) found that darker-skinned workers in Cuba and the Dominican Republic were more likely to have their interactions defined as sex work, while workers with a lighter skin colour were more likely to have their interactions defined as relationships.

The ambiguity around sex work is also reflected in assumptions about migrant women and sexuality. Labour migration policies in particular can exercise close control over the types of female bodies that are permitted within a country. This includes deportation policies for pregnant migrant workers (KavLaOved, 2010), policies that restrict entry to able- bodied migrants only (Bürkner, 2012) and policies that may restrict women's labour participation to particular gendered roles, such as foreign domestic

worker programmes (Calavita, 2006). There can be a contradiction between greater policing of women's sexuality at borders alongside employment practices (e.g. non- recognition of foreign credentials) that can facilitate immigrant and migrant women's entry into sex work. For example, an African migrant women's organisation in Ireland found that female asylum seekers were approached for commercial sex by legal and immigration workers and members of the public who knew that asylum seekers were forbidden to access legal employment opportunities (Mbugua, 2010).

Migration management policy frameworks still tend to rely on static categorisations that can often contradict lived realities and mixed migration flows (Pollock, 2010). Migration can be thought of as an experience or action, yet migration policy frameworks tend to structure migration as a discrete status. For instance, it is possible for an individual to be trafficked, smuggled, a refugee and Downloaded by [University of California, San Diego] at 22:47 15 January 2017

an economic migrant simultaneously. However, 'solutions' for different migrant statuses can contradict in practice. A standard 'remedy' for trafficked persons is to repatriate them to their country of origin (although some would perceive this as forced deportation). For refugees, countries are obligated not to return them to their country of origin where they may be persecuted. For persons who have been trafficked and are seeking asylum, these contradicting remedies present a

dilemma. Some women have attempted to negotiate this by concealing their experience of being trafficked when making a claim for asylum (Mbugua, 2010), which suggests that the use of static and discrete migration status categories leads to some of the same negations Crenshaw (1991) observed with the experiences of Black women pursuing anti- discrimination cases in the US legal system.

The construction of multiple, and at times competing, migrant statuses also speaks to recognising the importance of multiple social locations in shaping experiences.

Analysing heterogeneity of experiences and multiplicity of social locations

Intersectionality theory, in tandem with a labour rights perspective, offers a potentially powerful tool to correct the essentialising tendencies in sex work debates. Sex work debates that present an essentialist binary between a stark anti- prostitution stance and sex work as a transgressive, liberatory space risk further marginalising racialised women in the sex work sector. As detailed in

Chapter 2, both the prostitution abolitionist perspective and the sex radical feminist perspective have centred their analyses on the sex in sex work, or how the meaning of sex shifts when it is situated in a commercial exchange. By contrast, advocates of the 'sex work is work' perspective or the labour rights perspective centre analyses on the working conditions in sex work as a key determinant of women's autonomy and/or oppression (Abel, Fitzgerald, Healy & Taylor, 2010).

Advocates of the labour rights perspective are concerned less with the moral implications of commercial sexual exchange and more with women's autonomy and rights as workers. Implicit in the labour rights perspective is the diversity of women's experiences shaped in part by varied working conditions. Sex work occurs along a diverse spectrum that varies in terms of worker autonomy, physical risk, income level, visibility, level of stigma, physical/social contact with clients and degree of commercialism. Yet sex work research has historically tended to assume a universal sex worker experience based on aspects of street-based sex work (Wahab, 2004; Shaver, 2005; Vanwesenbeeck, 2001).

Broader feminist debates about sex work have largely argued whether the exchange of money for sex is in itself inherently exploitative. There has been much less debate about how work conditions intersect with women's social locations (Brooks, 2010). The intersection of a woman's migration status and her involvement in sex work may produce different opportunities, different barriers and different agentic strategies than those of 'local' sex workers. Bouclin's (2006) intersectional analysis of a

Canadian exotic dancers' association illus-Downloaded by [University of California, San Diego] at 22:47 15 January 2017

trates the diversity and tensions within the sex work sector. Dancers' organising efforts provided a counter- hegemonic representation in mainstream society. Yet association members also promoted traditional Victorian notions of 'good women' or 'clean dancers/entertainers' (i.e. White, anglophone women) and

'bad women' or 'dirty lap dancers/sex workers' (i.e. women of colour, migrant women, francophone women, overweight women) to maintain their economic

privilege as White, able- bodied women in the exotic dance industry. The association challenged changing industry practices that limited their autonomy in client interactions (i.e. mandatory lap dancing). However, members, at times, attributed these changes to racialised, migrant and francophone workers for 'lowering standards' without exploring how other marginalised workers in the industry also felt about changing industry practices.

Intersectionality offers a useful framework to challenge assumptions about the homogeneity of sex workers' experiences; for instance, gauging the conceptual validity of sex work as liberatory or transgressive requires an analysis of how gender is racialised. Sex work can more readily be conceptualised as transgressive for White women who are otherwise gendered as "norms of respectability" (Razack, 1998, p. 346). This contrasts with racialised women within predominantly White contexts who are more likely to be hyper- sexualised (Brooks, 2010; Razack, 1998; Garry, 2011). In this instance, engaging in sex work would not necessarily transgress stereotypes, but would reflect them. For example, an important study of social stratification in the US exotic dance industry (Brooks, 2010) found that stereotypes of Black women's hyper- sexuality and aggression disadvantaged Black exotic dancers in interactions with clients and club management. To mediate these negative stereotypes, Black dancers had to invest more time and more emotional labour to make

customers feel more comfortable about interacting with Black women. The perceived sexual availability of Black women also resulted in dancers negotiating with clients who wanted more services for less pay, and with club owners who were more apt to schedule Black dancers in riskier shifts with more aggressive clientele.

The risks of agency and negotiating social locations in a

transnational context

The application of intersectionality theory to immigrant, migrant and racialised sex workers' mobility, security and agency presents an opportunity to explore the temporal and spatial dimensions in the production of power and social difference.

Intersectionality's roots in US Black feminist theory conceptualised social identities as a process anchored within the American historical context of slavery and institutionalised racism (Garry, 2008; Crenshaw, 1989, 1991; Collins, 2000). What emerged was an intersectionality theory that was firmly rooted in analyses of race, gender and class, and focused on the subjectivities of African- American women.

However, the intersections individuals occupy also depend on spatial, temporal, subjective and social contexts as well as different dimensions of power (McDowell, 2008; Bilge & Denis, 2010). In a transnational, globalised context, identities Downloaded by [University of California, San Diego] at 22:47 15 January 2017

and subjectivities can often be more fluid, tenuous, relational and "increasingly inhabit locations that do not 'fit' our historically derived theoretical expectations of where they might be" (Lal, 1999, p. 101) . While researchers have acknowledged that the salience of certain intersections may differ across spatial and temporal contexts, there is less discussion on how this specifically occurs (Hulko, 2009; Garry, 2008; Yuval- Davis, 2006; Bürkner, 2012; McDowell, 2008; McCall, 2005).

Analysis of regulatory frameworks governing migration and sex work may offer some insight into how intersecting social locations shift across contexts. In other words: "How do traces of the regulatory structures of 'there' affect being

'here'?" (McDowell, 2008, p. 496). Social locations are not static, and people may occupy multiple axes along multiple social dimensions, such as a number of ethnic identities and a number of class identities, depending on the context. The intersection of various social locations can be a performance (McDowell, 2008; Brooks, 2010). Within sex work, this can include performing gender, race, age, able- bodiedness, sexuality and power. Intersecting social locations can also include 'situated accomplishments' (West & Fenstermaker, 1995), a "set of social practices marked on the body" (McDowell, 2008, p. 500), or legal or discursive constructions to gauge 'authenticity' (Daly, 1997; Silvey, 2004). The embodiment of a social location may hinge on different intersections across contexts. For example, class may be tied closely with nationality in one context, and determined more by race in another.

Most intersectional research has focused on "the analysis of a social location at the intersection of single dimensions of multiple categories rather than at the intersection of the full range of dimensions of a full range of categories"

(McCall, 2005, p. 1781) . For instance, this might refer to how a single racial identity interacts with a particular class identity. Using McCall's language, identity would be considered a dimension, and race and class could be considered categories. However, intersectional analyses can also be used to explore multiple dimensions of a single category: for example, subjectivities, identities and performance could be considered different dimensions of a social category. Immigrant, migrant and racialised sex workers moving across different spatialities and power differences can embody multiple dimensions of a single social category; for example, a sex worker may occupy a range of 'class' dimensions. She might perform one class dimension with clients, yet personally identify herself as part of a different class (based on her background, aspirations, education, etc.), and

may be situated in yet another class position within legal or public discourses around 'migrant sex workers'.

It is in this context of frequently shifting social locations in which immigrant, migrant and racialised women in sex work negotiate agency. Immigrant, migrant and racialised women in sex work have to weigh a range of agentic strategies against the regulatory frameworks that govern their work and movement, and against social consequences such as prejudice and stigma. Importantly, an intersectional analysis can also illuminate the erasure of agency or the risks of demonstrating agency for persons categorised as migrants and sex workers. As Bilge (2010, p. 11) notes: "some forms of agency become paradigmatic, others are Downloaded by [University of California, San Diego] at 22:47 15 January 2017

erased." Sex workers' agency has been denied within certain feminisms, most notably radical feminism (or dominance feminism). Radical feminist theories of sex work argue that women can only be victimised in sex work and argue the impossibility of women as knowing agents in sex work (Raymond, 2004).

The risks of agency can be observed in public discourses around the victimisation and criminalisation of sex workers and migrants. Public discourses regarding

both these groups can veer towards very stark dichotomies of victimisation/criminalisation, in which victimisation is equated with passivity (Segrave, Milivojevic

& Pickering, 2009; Ham, 2010; Andrijasevic, 2007). Public sympathy or tolerance can often be more forthcoming when victim identities are equated with passivity, lack of agency and undemanding acceptance. For the majority of sex workers and migrants who fall outside these very narrow allowances, demonstrating agency may be interpreted as rejecting the sympathy accorded to victims. In this context, any demonstration of agency may be more likely to be criminalised or interpreted as social

threat that requires further control or surveillance (Segrave et al. , 2009; Bilge, 2010; Ham, 2010). This is particularly the case for groups such as migrants and sex workers whose legality or illegality may often be administratively determined (e.g. registration, documentation, etc.).

Exploring the interplay between structure and agency "moves beyond deterministic formulations of push/pull factors towards a deeper appreciation of the interlinkages between political- economic and subjectivity formation processes as these shape mobility" (Silvey, 2004, p. 499). Understanding the structural factors that impact women's lives and understanding women's goals can reveal where spaces for agency lie, and can help illuminate forms of agency that may not be readily apparent at first glance (e.g. strategic containment, invisibility) (Ham & Gerard, 2014). Engagement in sex work across borders may require ongoing management of social locations. Negotiating the visibility (or invisibility) of particular social identities may be an important agentic strategy in itself.

Immigrant, migrant and racialised women's agency within sex work may have a range of intended effects upon structures, ranging from resistance to transgres-sion, accommodation, subversion and opportunism.

Conclusion

The experiences and perspectives of immigrant, migrant and racialised sex workers offer an opportunity to broaden theoretical discussions about intersectionality theory. The increasingly numerous subjectivities and identities immigrants, migrants and racialised sex workers experience across and within borders offer an innovative application of intersectionality theory, particularly as "the transnational dimensions of intersectionality rarely come to the fore" (Henne & Troshynski, 2013, p. 458). An intersectional analysis of sex workers' fluid identities may also help challenge static conceptualisations of 'migrant' and sex worker identities that remain prevalent in sex work and migration policy and practice. This study explores the multiple dimensions, meanings and consequences of the 'migrant sex worker' category. An analysis of the multiple dimensions of this category—such as Downloaded by [University of California, San Diego] at 22:47 15 January 2017

administrative, affective, social, structural—is in some ways a departure from much intersectional research that has typically considered single dimensions of multiple categories: for example, research on a group comprising one racial identity, one class identity and one gender identity. Instead, this project aims to unravel the migrant sex worker category and examine the social differences that constitute the 'migrant sex worker'.

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To do so, McCall's three intersectional methodologies are employed for this study, specifically an anti- categorical methodology in Chapter 5, an inter-categorical methodology in Chapter 6 and an intra- categorical methodology in

Chapter 7. Although theorists have stressed the importance of centring power in intersectional analysis, I argue that a difference- centred intersectional approach can offer a strategic means to interrogate the power of the 'migrant sex worker'

category in research and public discourses. As discussed in Chapter 2, the

'migrant sex worker' category remains a potent figure in research, media and public discourses around sex work. However, closer examination of this category (as discussed in Chapter 2) reveals the 'migrant sex worker' category to be, at times, a questionable container for a range of social differences, which may not necessarily relate to migration status. The challenge of identifying the boundaries of the 'migrant sex worker' category was evident from the beginning of participant recruitment and data collection, as discussed in the following

chapter.

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4 Power, positioning and other

methodological challenges in sex

work research

Sex work research has historically been grounded in researchers' social constructions of sex work rather than the expressed day- to-day priorities of sex workers (Vanwesenbeeck, 2001). In the case of 'migrant sex workers', research agendas have focused primarily on trafficking for the purposes of prostitution (Agustín, 2006; Wong, Holroyd, Gray & Ling,

2006). The expressed concerns of sex workers such as police violence and the impact of stigma have historically received less attention from researchers and policymakers (Vanwesenbeeck, 2001). However, this is changing with sex workers' rights organisations producing research (e.g. RATS- W & Empower Foundation, 2012; Bowen, 2006) and as allied scholars undertake research that reflects sex workers' perspectives and concerns (e.g. Kempadoo & Doezema, 1998; Sanders, 2005; Shaver, 2005).

Therefore, power, researcher identity, trust and reciprocity are key methodological concerns in any research involving a stigmatised and often criminalised group, such as sex workers. Any sex work research occurs within the context of an exploitative history of research on sex workers, researchers' shifting social locations in the field and sex worker activist calls for greater research accountability through sex worker involvement and reciprocity.

Exploitation, power and inclusion in sex work research

Researchers working on sex work issues must be aware of the exploitation that many sex workers have experienced in research, which mirrors the experiences of other marginalised groups in research, including refugees (Mackenzie, McDowell

& Pittaway, 2007), indigenous peoples (Smith, 2012), drug users (Bell & Salmon, 2011) and racialised groups (Corbie- Smith, Thomas & St. George, 2002). There are a number of accusations commonly levelled at researchers, but overall, sex work researchers have been accused of mining the stories and experiences of sex Downloaded by [University of California, San Diego] at 22:47 15 January 2017

workers in order to build academic careers, with very little benefit to research participants and, some argue, resulting in harm to research participants (van der Meulen, 2011a; Coy, 2006; Bowen, Davis, Kiselbach & Broden, 2006; Bell & Salmon, 2011; Loff, 2006; Kim & Jeffreys, 2013).

The harms sex workers have experienced in research have occurred at both an individual and a collective level. Individually, "horror stories exist within sex

54 Methodological challenges in sex work research worker communities of lives ruined and discriminatory laws made as a result of outsiders researching and reporting on our activities" (Jeffreys, 2010, p. 1). Sex workers have reported extremely damaging consequences, including loss of confidentiality, criminalisation (Scarlet Alliance, 2009), disrespect during research processes (Bell & Salmon, 2011) and bodily harm or undue risk in biomedical clinical trials (Chez Stella, 2006; Tha, Net, Sotheavy, Sokchea & Sopheak, 2004; Loff, 2006). For example, two large biomedical HIV prevention trials for the Tenofovir drug were halted in 2004 in Africa and Asia due to sex workers' protests against the lack of information, compensation and protection provided for sex workers participating in these trials (Ditmore & Allman, 2011; Tha et al. , 2004).

The consequences of research participation are not just experienced at the individual level. Sex workers and their allies also argue that research which misrepresents sex workers' experiences can result in discriminatory policies and laws that entrench power inequalities (Kim & Jeffreys, 2013; van der Meulen, 2011a; Weitzer, 2010; Jeffreys, 2010; Wahab, 2003). Research conducted from a radical feminist, anti- prostitution perspective in particular has been criticised for homogenising women's experiences in sex work, framing the most extreme examples of victimisation as representative of the entire sex work sector and constructing sex workers as devoid of agency (Weitzer, 2010; van der Meulen, 2011a; Wahab, 2003). Research agendas have traditionally not reflected sex workers' lived realities, but have instead relied on perceptions of sex workers as victims or vectors of disease (Loff, 2006).

In response to this, sex workers have called for "true and meaningful participation of sex workers and other marginalised groups" (Chez Stella, 2006, p. 1) and more power and consultation in research that affects them (Kim & Jeffreys, 2013). This has included encouraging the use of participatory action research methodologies in sex work research (van der Meulen, 2011a, 2011b) and influencing the direction of research projects (Kim & Jeffreys, 2013; Jeffreys, 2010).

Sex workers have also developed ethical guides for researchers and sex workers (Bowen et al. , 2006; UK Network of Sex Work Projects, n.d.; Chez

Stella, 2006; Ditmore & Allman, 2011), and added to the growing literature on participants'

rights in research (When Researchers Come Calling, 2009). Sex worker organisations and their allies continue to press for research agendas that reflect sex workers' priorities, such as research into the authority structures that affect sex workers' lives, including the police, army and academics (Jeffreys, 2010).

Researcher as ally

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Given the history of exploitation in sex work research and sex workers' efforts calling for greater accountability in research, it is not surprising that researchers conducting non- participatory research on sex work would bear closer scrutiny. I locate myself as an ally contributing to sex workers' rights efforts but remain aware that this location is always tenuous and relational, depending on whom I am interacting with at any given moment. Any research that involves

marginalised communities demands continual reflection on the implications of conducting research as an ally, or to paraphrase Oikonomidoy (2009), how to be a traveller and not a pirate.

Part of my decision not to employ a participatory action research approach for this study is due to a strong awareness of the resources that are needed to genuinely support participation by stigmatised and marginalised groups (GAATW, 2010). Sex workers have called for more participation in research that affects them and have been vocal about ensuring adequate resources to allow this (Chez Stella, 2006). The label of participatory action research can be co- opted to describe projects in which participation is strictly limited or projects where the participation of directly affected groups continues to be undervalued and under-resourced. Although van der Meulen (2011b) argues that participatory

methodologies can be accessible to researchers with minimal resources, I feel it is more honest to admit that I did not have the financial resources to support a genuinely participatory methodology in both Vancouver and Melbourne.

I would also argue that non- participatory methodologies still offer a valuable opportunity to examine the implications, possibilities and limitations of conducting research as an ally. Reflexivity is one strategy to guard against exploitative research, as well- intentioned researchers can do harm (van der Meulen, 2011a) if they are not willing to scrutinise their own role in helping or hindering the communities they work with. This includes continually reflecting on one's motives for researching sex work (Jeffreys, 2010) and how one can be most useful to the communities one works with from whatever position one occupies. Pillow (2003) calls this an "uncomfortable reflexivity" or reflecting on how researchers

"can be accountable to people's struggles for self- representation and self-determination" (Visweswaran, 1994, p. 32 as cited in Pillow, 2003). For me, working within an "uncomfortable reflexivity" also requires analysing how my self- identification as an ally is negotiated, affirmed or challenged by research participants and other stakeholders throughout the research process. Sanders (2005) refers to this as an ongoing process of proving and maintaining one's legitimacy as an 'outsider' to conduct research in a sex work environment.

Maintaining legitimacy as an outsider changes according to the various individuals researchers interact with and can be easily jeopardised by one negative encounter.

Reflexivity also includes critically analysing the insider/outsider binary in research. Feminist, post- colonial and diasporic researchers in particular have argued that insider/outsider categories are not static binaries but a negotiated relation (Oikonomidoy, 2009; O'Connell Davidson, 2008; Wahab, 2003). Perceptions of a researcher's 'insider- ness' or 'outsider-ness' can vary between Downloaded by [University of California, San Diego] at 22:47 15 January 2017

researchers themselves, research participants and other research stakeholders (such as community partners). As a project informed by an intersectional approach, a starting point is the recognition that women in sex work occupy numerous social locations (e.g. race, class, gender) that can shift across contexts.

A researcher embodies a number of social locations in the field and any of these may be foregrounded by different participants. During the course of the study,

56 Methodological challenges in sex work research I was aware that perceptions about me could shift from moment to moment, and that my body, appearance, voice and organisational affiliations could mean different things in different contexts.

As someone who has been involved with both sex worker and anti-trafficking organisations for the past several years, I have become used to being scrutinised or vetted by sex workers (as well as members of other marginalised groups, such as migrants). As Oikonomidoy (2009) notes, it does not necessarily feel good approaching someone as a researcher. When introducing myself to a sex worker organisation or to a sex work researcher (for example), I have become accus-tomed to being sized up while I briefly present my experiences, search for any common contacts or networks, affirm commitment to sex workers' activist efforts (particularly around decriminalisation) and, depending on the moment, listen to criticisms concerning researchers. Although I am presenting my genuine beliefs about sex workers' rights, these moments still remain a conscious performance; one that I hope vouches for my legitimacy to engage with these issues.

Community engagement and reciprocity

Although this research does not use a participatory approach, I do draw on certain elements of participatory approaches to strengthen this study's relevance and credibility. Community engagement can strengthen research in various ways as well as functioning as a form of 'cultural capital' (Coy, 2006) that can increase trust with potential research participants and their communities (Redwood, Gale & Greenfield, 2012). By centring the

relational elements of research as part of my ethical approach, I aimed to prevent 'fly- in, fly- out'

research, which has been criticised for exacerbating distrust between researchers and marginalised groups and for diminishing methodological rigour and ethical integrity (Mackenzie et al. , 2007). For this study, this involves an ongoing process of community engagement with individuals and organisations supporting sex workers in both Melbourne and Vancouver, demonstrating commitment to sex workers' rights efforts and seeking opportunities for reciprocity.

The activist and political terrain in Vancouver differs in a number of ways from that of Melbourne. In Vancouver, there are a number of organisations that focus on sex work issues, including SWAN (Supporting Women's Alternatives Network); PACE (Providing Alternatives, Counselling & Education) Society; WISH Drop- in Centre Society; FIRST; NakedTruth.ca; WCCSIP (West Coast Cooperative of Sex Industry Professionals); BCCEC (British Columbian Coalition of Experiential Communities); and HUSTLE (How U Survive This Life Downloaded by [University of California, San Diego] at 22:47 15 January 2017

Everyday). The sex work stakeholder community also involves several community coalitions involving experiential community members as well as law enforcement, healthcare providers and business improvement associations. This includes Living in Community (LIC) and a City Taskforce on Sex Work and Sexual Exploitation initiated by the City of Vancouver. Within this context, activists and community members may have a number of organisational

affiliations. Organisations also differ in the degree of sex worker involvement.

Some organisations are entirely sex worker- led, others may employ experiential staff as well as non- experiential staff, and other organisations may have experiential persons on their boards. In Vancouver, my community engagement has been primarily with SWAN, an

organisation I have been involved with since 2008 in various capacities (e.g. volunteer, staff, board member). My work with SWAN has informed my sex worker rights perspective and my ethical approach to sex work research. My involvement with SWAN also influenced the design of

this study, discussed in the following section.

Compared to Vancouver, boundaries in Melbourne's sex worker activist community appear to be much more distinct. As a newcomer, establishing links with community organisations was a priority from the beginning of this project in early 2012, and the first several months after my arrival in Melbourne involved reaching out to any stakeholders I could identify that worked on sex work issues and community- researcher issues, including sex worker organisations, ethnic community organisations, academics and other members of the community. Initially, I was able to connect with two community organisations; the first was RhED (Resourcing Health & Education in the Sex Industry), who describe themselves as "a specialist service for the sex industry"1 or a sex worker support

organisation2 within the Inner South Community Health Services (ISCHS).

During 2012–2013, I volunteered with the ISCHS on an internal organisational evaluation (Ham, 2013). This provided a valuable opportunity to engage with RhED on ongoing issues affecting sex workers in Melbourne, community-researcher dynamics in the sex work community and challenges engaging culturally and linguistically diverse (CaLD) sex workers in Melbourne. In addition to RhED, I also established links with the Thai Information and Welfare Association (TIWA). TIWA's then-president, Sompit Watkins, had extensive experience assisting sex workers in Melbourne's Thai community and provided valuable insight into issues affecting Thai women in sex work.

Unfortunately, I was unable to meet with the Vixen Collective, the only sex worker- led group in Melbourne and a member organisation of Scarlet Alliance.

Although I was able to attend events they organised in Melbourne, the fact that I was unable to meet with the only sex worker- led group in

Melbourne remains a missed opportunity. Both the Vixen Collective and RhED take care to publicly identify the standpoints they work from—Vixen Collective as a worker- led group and RhED as a specialist service for, but not led by, sex workers in Victoria. In addition to the Vixen Collective, my lack of interaction with the Melbourne Sexual Health Centre (MSHC) also remains a missed opportunity. The MSHC provides free and anonymous STI testing to all sex workers, including those with a Medi-Downloaded by [University of California, San Diego] at 22:47 15 January 2017

care card and those without. The MSHC also employs a number of Asian-language-speaking nurses. During the data collection phase, I learned that MSHC

has by far the highest name recognition among CaLD workers and was identified as a key community support by almost all CaLD workers in Melbourne.

Although these community organisations and services are not formal research partners, they share valuable insights on ethical research practices, action

58 Methodological challenges in sex work research planning and identifying opportunities for reciprocity. Mackenzie et al. (2007) argue that research about refugees needs to progress beyond 'do no harm'

towards an ethical obligation for reciprocity. The same could be said for sex work research. Reciprocity can be multifaceted and involves individual research participants but also contributions to the broader communities sex workers belong to. Individually, reciprocity may be determined differently by research participants and influenced by research participants' expectations of the research, motivations for participation and their priorities (Mackenzie et al. , 2007). Honoraria provided to research participants is one standard token of appreciation and a minimal gesture towards reciprocity (When Researchers Come Calling, 2009).3

A commitment to using research to take action and bring about change can be another form of reciprocity that extends beyond individual research participants.

Research participants' informed consent can also depend as much on researchers' plans with the findings as with their own comfort during the research interview (Bell & Salmon, 2011), particularly if participants are from marginalised or

'over- researched' groups. For a few participants, knowing my publication plans was a factor in deciding whether or not to participate. In these instances, participants were reassured by my stated intentions to publish a book, and commented that they would be able to participate as they were planning to be working outside the sex work sector by the time of printing.

Reciprocity includes making sure research has a public impact and is used to benefit sex workers. Communication in plain language has been identified as an ethical practice by sex workers (Ditmore & Allman, 2011; Chez Stella, 2006; Bowen et al. , 2006) and this can extend to the development of plain language products that are purposefully disseminated to various stakeholders, including research participants, community organisations, policymakers, researchers and media, in order to change social attitudes, influence policy and service provision.

Taking the time to communicate findings back to the community can also help researchers assess if there have been any consequences due to the research, as well as discuss ideas about how findings can be used for action and social change (Benoit, Jansson, Millar & Phillips, 2005).

Research method

Interviews focused on how women developed knowledge to work safely and lucratively and centred on six themes: (1) work- related decision- making (e.g.

workplace choice); (2) experiences with clients; (3) interactions with systems (e.g. law enforcement); (4) opinions about the direction of the industry; (5) interactions with co- workers; and (6) demographic information. Care was taken to Downloaded by [University of California, San Diego] at 22:47 15 January 2017

avoid questions that would require women to disclose personal information and questions based on social stereotypes about sex workers (e.g. questions assuming past histories of trauma, questions asking women to justify life choices).

Overall, focusing on women's knowledge about the industry and their development of work strategies was an effective interview strategy (judging by the level of engagement and depth in interviews), and created an environment where

rapport was relatively easy to establish. Sex workers can be understandably cautious about sharing personal information but most participants were keen and generous in sharing the experiential knowledge they had acquired. Interestingly, women also spoke of the challenges of sharing experiential knowledge with other workers. I took care to reassure participants that I was mainly interested in work- related decision-making. For instance, near the beginning of the interview I often asked each participant, 'Why did you choose to work here, at this place?', and indicated the space we were currently in if the interview was in the workplace. The intention was to get a sense of how women choose between various workplaces. However, some women appeared to interpret this as a question about their choice to engage in sex work and would strongly assert their personal rationales for working in sex work, such as to provide for one's family. If this occurred, I would reassure women that I was not asking them to justify why they were working in the sex work sector, but rather was looking for information on what makes one workplace preferable to another (e.g. location, market niche, workplace contacts, etc.).

Related to my concerns about participant comfort were concerns about social desirability bias. Given the strong stigma surrounding sex work, I was concerned that some participants would reproduce socially accepted narratives about sex work (e.g. victimisation) or tell me what they thought I wanted to hear. To reduce the likelihood of social desirability bias, honoraria were provided after consent forms4 were signed but before the

interview started, and I reminded women that they could stop the interview at any time if they felt uncomfortable.

In interviews where a woman asserted strong, overarching statements about the sex work sector, I would gently probe why she felt that way, and ask if she was aware of differing opinions among her colleagues or within her community. This deeper discussion often yielded richer insights into women's attitudes about the sex work sector. For example, two participants (one in each city) assertively voiced their opinions about the unacceptability of sex work but also spoke about sharing and analysing these attitudes with co- workers, many of whom felt sex work was a job and should be treated as such. Reflecting on workers' different perspectives about sex work reveals that women's attitudes towards sex work are shaped in diverse ways on a day- to-day basis.

While I tried to minimise the amount of personal information I would be

asking participants, a few demographic questions were still asked in order to describe my sample (such as age, ethnicity, etc.). Given my research objectives, I sought immigration or migration- related information in order to interrogate the uses of the 'migrant sex worker' category (this information is discussed in Chapter 5). I tried to mitigate potential discomfort by leaving Downloaded by [University of California, San Diego] at 22:47 15 January 2017

these questions until the end of the interview, after which a rapport had been built and participants could better determine whether they could trust me or not. I reminded participants that they did not have to answer personal questions and provided options for responding, such as suggesting participants could identify what age range they were in, rather than their specific age, if that made them more comfortable.

60 Methodological challenges in sex work research I often felt most uncomfortable asking interviewees about citizenship or migrant status. This was not necessarily due to participants' visible discomfort—

most answered the question simply and matter- of-factly—but I was aware of the political baggage that citizenship or migrant status questions carry.

First, there still remains a heightened concern about non- nationals working in the sex industry in both countries that has at times resulted in suspicions directed towards sex workers who may be assumed to be 'migrants' rather than residents, due to their racial, ethnic or linguistic difference. Second, I was aware that immigration checks are carried out in some businesses, particularly predominantly Asian-staffed businesses. I did not want in any way to resemble immigration officers'

line of questioning. Finally, as an Asian- Canadian, I was aware of the social fatigue and exasperation many racialised Australians and Canadians experience from repeatedly having to define their own identity and addressing questions such as 'No, where are you really from?' and/or 'What are you?'. Given my awareness of this social baggage, I typically tried to soften questions about interviewees' length of time in Canada and citizenship/migrant status by asking

'Given that you've been in Australia/Canada for [number of] years, do you

"feel" Canadian/Australian'? Questions about belonging and personal identity were not initially included in interviews but I felt these helped to neutralise what can be perceived as blunt, misinformed or racist questions about migrant status.

Participants' responses to these questions brought forth an unexpected and rich

area of discussion, which is the subject of analysis in Chapter 5.

Access and recruitment

Sex workers have often been perceived as both a 'hard to reach' (Benoit et al. , 2005) and yet over- researched group (Fawkes, 2005b as cited in Jeffreys, 2010).

Sex workers' inaccessibility to researchers may be due to the often criminalised and stigmatised nature of their work (Shaver, 2005), but as discussed earlier, may also be due to the history of exploitation and disrespect that sex workers have experienced in research. In response,

some sex worker organisations and allied researchers have explained the formal and informal processes by which sex workers assess researchers and make decisions about participation (Bowen et al. , 2006; Jeffreys, 2010; Bell & Salmon, 2011). This includes assessing researchers' respect towards research participants (Ditmore & Allman, 2011; Bowen et al. , 2006), their perspectives on sex work (e.g. whether they work from a harm minimisation perspective, sex workers' rights perspective, etc.) and their capacity to use research for social change that benefits sex workers.

Given the politics and complexity of research in this industry, gaining access Downloaded by [University of California, San Diego] at 22:47 15 January 2017

for this study started with orienting myself to the various collective workspaces (brothels and massage shops) in both cities. This was enabled through connections with two sex worker support organisations, RhED in Melbourne and SWAN in Vancouver. In Melbourne, 93 licensed brothels (all of the licensed brothels in Victoria) are regularly listed in RED: The Magazine for the Sex Industry, a twice- yearly publication produced by RhED. Shortly before starting

fieldwork in early 2013 and again in early 2014, I met with Mardi Kennedy, a RhED Health Education and Support Worker who coordinates the migrant and multicultural sex worker portfolio, to learn about the licensed brothel sector in Melbourne. Based on this information, I was able to start contacting brothels where I would be most likely to speak to workers who fit the participant criteria (discussed further in the following section on recruitment). Initial cold calls to brothels elicited very few positive responses, so I very quickly turned to in-person visits to 48 brothels in total. In- person visits yielded much more positive responses for a number of reasons, which are discussed in the following section.

In early 2014 in Melbourne, brothel visits were supplemented by visiting two unlicensed establishments, and emailing independent workers about the study using contact details posted on public, online directories.

In Vancouver, information about businesses was obtained through SWAN, the only community organisation in the city that focuses on immigrant, migrant and newcomer women in sex work. SWAN regularly conducts outreach to 56

businesses in the Cities of Vancouver, Burnaby and Richmond, 47 of which were identified as predominantly Asian. From August to December 2013, I visited 42 workplaces (both predominantly Asian businesses and predominantly Western businesses) in person. In addition to visiting massage shops, I also emailed independent workers and businesses listed on online directories, provided information about my project and asked if they would consider participating. At the beginning of the recruitment phase in Vancouver, I shadowed SWAN's outreach teams in various neighbourhoods to introduce myself to businesses and workers, inform them that I would be dropping in at other times to see if anyone would be interested in participating, and clarify the distinctions between my two roles. It was made clear that my research would not affect any assistance provided to any women or my responsibilities within SWAN. During the Vancouver fieldwork phase, I visited businesses and workers both as a researcher and a SWAN volunteer. As a SWAN volunteer, I filled in for outreach teams as needed and visited businesses outside regular outreach times when needed (e.g. to inform workers of abusive clients reported by other workers), assisted on specific cases requiring individual support and represented SWAN in community coalition activities. All of these activities familiarised me to women in the sex worker community as well as the sex worker activist community. Involvement in policy reform efforts within the City of Vancouver in particular provided insight into changes in the regulatory context that were being considered during 2013. These insights helped me to contextualise what women were observing and experiencing at the day- to-day business level.

My experiences in participant recruitment challenge the simplicity of the *Downloaded by [University of California, San Diego] at 22:47 15 January 2017*

insider/outsider binary as well as the 'migrant sex worker' category. For instance, as an ally researcher I can be positioned as an outsider

researching the sex industry. Yet in the field, I found that my racial identity and physical appearance produced assumptions about my 'insider- ness', whether in terms of racial (and therefore cultural) similarity or industry familiarity. I found that my physical appearance, as a feminine Asian woman, helped me to enter workplaces

62 Methodological challenges in sex work research without much difficulty. On a number of occasions, I was simply asked if I was the 'new girl' (i.e. worker), new manager, new receptionist, new cleaner, or if I was there to inquire about jobs. My appearance as a feminine, Asian woman may have helped overcome my 'Western- ness', particularly with Asian businesses. Initially, I had called workplaces in Melbourne (the first phase of fieldwork) but received almost no receptive responses. I was also questioned by a few callers who asked if I was 'Aussie' or Asian. By asking if I was 'Aussie' in this context, I assumed they were trying to politely ask if was White, as I speak English with a North American accent rather than an Australian accent. Although specifying I was Asian when calling businesses did elicit more positive responses, I found that dropping by businesses in person greatly increased recruitment of interested participants.

While my identity as a researcher understandably aroused caution among some brothel and massage shop staff in both locations, I found my student identity (at the time of research) helped in establishing rapport with staff who were also students. Student workers, receptionists and managers were often sympa-thetic about the challenges of recruitment. They were also helpful in explaining my study to other staff as well as informing other workers about their rights in the research process, in particular emphasising that workers could request that the interview not be audio-recorded. A few students who participated shared their own stories of encountering suspicion or indifference during recruitment for their own research projects, such as 'Amanda', an international student working in a licensed brothel in Melbourne:

When I said you can stay here [to talk to me in the staff lounge], the Korean girls talk to the manager and said 'no' [we don't want her in the staff lounge] . . . I mean, I understand [what you're doing], like, I've been

studying, I do quite a lot of research as well. I don't know why people think we [researchers] are crazy or what (laughs). Sometimes you get refused quite a lot [as a researcher], like, 'I'm not doing anything wrong, just try to do some study for my field'.

In addition to challenging the boundaries of the insider/outsider binary, discussing the participant criteria with sex workers and managers also confirmed the ongoing social construction of the 'migrant sex worker' category. The recruitment criteria were kept deliberately broad in order to capture the range of what

'immigrant' and 'migrant' can mean in sex work. For the purposes of this research (as outlined previously), I use the term 'migrant' to describe persons who live and work in Australia and Canada temporarily and/or persons who do Downloaded by [University of California, San Diego] at 22:47 15 January 2017

not hold the legal rights that citizens or permanent residents have (e.g. international students). 'Immigrant' refers to persons who have moved to Australia or Canada for the purposes of obtaining residency or citizenship in Australia or Canada, and who are entitled to legal rights temporary migrants are not permitted. In my research sample, I was interested in speaking to women in sex work who: (1) self- identified as immigrant or migrant, (2) were legally defined as

Methodological challenges in sex work research 63

migrant or immigrant, (3) may be assumed to be non- citizens, i.e. non-White women who speak English with non- Western accents, and/or (4) performed ethnic or 'exotic' identities in sex work.

Explaining who I was interested in speaking to typically required clarification, further discussion and examples, and usually elicited managers' detailing of a range of workers' ethnic backgrounds and checking if any of those profiles matched what I was looking for. When speaking to managers and/or workers, I often relied on ambiguous parameters that could be interpreted in various ways, such as 'workers not originally from Australia or Canada'. It was interesting to note in

Melbourne, most managers and workers appeared to interpret this as a racial indicator and typically responded by ethnically identifying workers: for example, stating they had a certain number of Asians, Indians or Europeans. In Vancouver, managers and workers were more likely to use country of birth as an inclusion indicator for the study: for example, stating that some workers wouldn't be applicable as they were born in Canada. When speaking to managers and workers, I relied on a few repeated examples to indicate the range of experiences I was interested in. I commonly referred to Asian workers as an example, given their presence in the sex industry in both cities and given common perceptions of Asian workers as 'migrant workers', particularly by anti- trafficking stakeholders in both countries. I also specified Americans and New Zealanders as examples of those who may legally be categorised as migrants but may not be assumed to be due to cultural similarity. Given the strong association between migrant status and ethnicity, I also included workers who 'performed' ethnicity or race in their work. For example, one interviewee was a Canadian- born citizen of partial indigenous heritage who often presented herself as a Southeast Asian worker to clients. In total, 67 individuals representing a diverse range across the four criteria specified earlier were interviewed.

Vancouver participants included 25 women working in nine massage shops (in the Cities of Vancouver, Burnaby and Richmond), and 10 independent workers who had various experiences of working with other sex workers. Melbourne participants included 27 women working in 14 licensed brothels in Melbourne's southern, northern, eastern and western suburbs,5 one woman who worked across a number of businesses and sectors in the industry and two independent workers.

Additional demographic information associated with participants' citizenship in Australia and Canada (e.g. status, length of time in Australia or Canada, ethnicity) is detailed in Chapter 5. The only other demographic question asked of

participants was their age, indicated in Table 4.2.6

Table 4.1 Interviewees

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Workers

Support staff (i.e. receptionists, managers)

Total

Melbourne

30

1

31

Vancouver

35

1

36

Total

65

2

67

Table 4.2 Age of participants

Age

Melbourne

Vancouver

Total

20–29

7

7

14

*25–35**

8

1

9

30–40

1

14

15

*35–45**

3

3

41–49

5

7

12

50+

1

1

Unspecified

8

3

11

Total no. of workers interviewed1

30

35

65

Notes

1 Does not include two support staff (receptionist, manager) interviewed.

** Age range indicated by participants. A number of participants did not want to disclose their actual age but indicated a broader age range.*

Participant voices: interpretation and presentation

Centring marginalised voices and visibilising labour are common tenets in feminist research methodology. Given that many participants in this study are immigrants or migrants who do speak English as a first language, a brief note about language and the mediation of diverse voices is included here, specifically about: (1) the role of interpreters in this study, and (2) the presentation of participant voices in this study.

Although research has traditionally positioned interpreters as neutral instru-ments to relay messages between researchers and participants, social science research in recent decades has questioned the ideal (or feasibility) of interpretation as invisibilised labour in critical social research (e.g. Edwards, 2013; Turner, 2010). Both quotes from English-speaking participants and interpreted quotes from non- English-speaking or English- learner participants are included.

Quotes drawn from eight interviews that included interpretation are indicated with a note. One of the reasons for this is to reflect the methodological realities of including diverse voices. Acknowledging the labour of interpreters highlights the fact that inclusion of non- English-speaking voices in an English- language study requires mediation or assistance. Acknowledging that mediation or assistance should in no way diminish the authority or validity of a participant's

'voice', but rather is about recognising that some voices can only be included or

'heard' with assistance.

While this study includes mediated voices, that the majority of participants
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do speak English also points to the fact that many voices do not need mediation despite their 'difference'. To capture the diversity of English-speaking participants' voices I have chosen to retain participants' original phrasing as much as possible. Participant voices vary in expression, fluency, grammar and idiom, and these variations have been deliberately kept in the quotes included here; these variations are not typing errors but reflect participants' verbal

expression. Any clarifications that I have added appear in square brackets and this has been limited to offering explanatory terms or details, where required.

Again, the methodological rationale for this is to better reflect the diversity of expression among participants. Practically, I would also argue that retaining this diversity can help sex work stakeholders examine underlying biases that persist about language, vulnerability and empowerment. In countries such as Australia and Canada, the authority of one's voice may at times be linked to the accent one speaks with. By retaining participants' original phrasing, I am hoping to communicate the authority of sex workers' voices, even when grammar and fluency are variable. Ultimately, I have retained participants'

original phrasing as much as possible to reflect the diversity of accents, fluency and expression that one would hear on a day- to-day basis, in the community and in the industry.

Conclusion

The goal of ethical, non- exploitative research about sex work still cannot be taken for granted and demands that researchers educate themselves about the history of exploitation in research and remain reflexive about their positionality, as 'insiders', 'outsiders' and allies. The ethical and methodological parameters of this research were informed by calls for greater research accountability from the sex worker rights movement, and in dialogue with sex worker support organisations in Vancouver and Melbourne. This foundation revealed points of contradiction, tension or differences between ethical research as understood in institutionalised and academic contexts and ethical research as understood by sex workers and their allies.

One of the central methodological concerns was managing the potential intrusion of sex work stigma in the research encounter, such as the research interview or during recruitment processes. For instance, the enduring stigma around sex work can shape how interview questions are interpreted, what research participants may feel compelled to assert, and the risks that certain questions may pose (e.g. around migrant status). In sex work research, the prevalence of stigma may be more easily understood in terms of social desirability bias. As a researcher, this meant taking care to specify that I was not looking for any particular narrative around sex

work, providing honoraria before the interview and assuring women at times that I was not asking them to justify their involvement in sex work.

As an ally researcher, another key methodological process was the ongoing negotiation, reflection and evaluation of who I was as a sex work researcher, and Downloaded by [University of California, San Diego] at 22:47 15 January 2017

who I was perceived to be looking for (in regard to research participants). As a sex work researcher, my body, appearance, voice and organisational affiliations can mean different things across very diverse contexts. Negotiating, affirming or correcting these assumptions of my perceived 'insider- ness' or 'outsider- ness'

remained a central process throughout the study. Just as participants, gatekeepers and stakeholders were assessing my legitimacy or trustworthiness to be

66 Methodological challenges in sex work research undertaking sex work research, determining who I was looking for also remained an ongoing dialogue throughout this research. Contrary to what public and policy discourses may suggest, the label 'migrant sex worker' is not necessarily a simple marker. Discussions with potential research participants and gatekeepers revealed the myriad meanings of 'migrant sex worker' and who is included in that category and who is not.

Overall, ethical research from a non- academic, non- institutional perspective requires understanding that the parameters extend beyond the immediate research encounter. Institutional ethical research standards understandably focus on the safety of the participant in the immediate research encounter (such as the research interview), but discussions with research participants and community allies also emphasised the importance of ethical practice beyond the research interview, to include how, where and when research findings would be reported, and fostering practices of reciprocity. Centring these lessons may help advance understandings of ethical research beyond a 'do no harm' approach to one that fosters reciprocity in research, and, ultimately, move from histories of

exploitation in research to creating histories of reciprocity in and through research.

Notes

1 On RhED's website (homepage): www.sexworker.org.au.

2 As opposed to a sex worker- led organisation.

3 I provided a small honorarium (AU$40 or CA$) to research participants as a token of appreciation for their participation. To reduce social desirability bias, or the perception that I was looking for particular narratives about sex work, I routinely provided this at the start of interviews as opposed to providing it at the end to avoid the risk of honoraria being perceived as a 'reward' or payment for a 'right' response. Sex workers have emphasised appropriate compensation for research involvement as an ethical research practice (Bell & Salmon, 2011; Jeffreys, 2010; Tha et al. , 2004).

PACE, a sex worker support organisation in Vancouver, suggests that researchers consider compensation as similar to a 'booking fee' that still permits participants to withdraw from a situation if they experience discomfort or distress (Bowen et al. , 2006). Researchers and research participants have emphasised that cash payments (rather than store vouchers) are the most ethical option, as it provides the most choice for individuals (Bell & Salmon, 2011).

4 Consent forms differed slightly between Vancouver and Melbourne, to reflect researcher–participant confidentiality afforded to research participants in Canada by the Wigmore Criteria. The Wigmore Criteria states that any information gained through research because of the expectation of confidentiality is protected under law (Palys & Lowman, 2002). Researcher–participant confidentiality is protected under the Wigmore Criteria if: (1) research has established a shared understanding of confidentiality (e.g.

specified on the consent form), (2) established that confidence is essential to the relationship (e.g. specified on the consent form), and (3) established

that the community Downloaded by [University of California, San Diego] at 22:47 15 January 2017

(such as the academic community) values the role of confidentiality in the researcher–

participant relationship (Bowen et al. , 2006; Palys & Lowman, 2002). The consent forms for Canadian interviews were tailored to reflect these criteria.

5 Suburbs are not specified by name to protect privacy and confidentiality and prevent identification.

6 This table indicates participants' real age. Most participants had a much younger 'work age', which they communicated to clients.

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390–399.

5 Sex work and the non- migrant

'migrant'

As discussed in Chapter 2, vulnerability and criminality continue to be associated with the 'migrant sex worker' in research, policy and public discourses, even if identifying the 'migrant sex worker' remains ambiguous. Yet if anti-trafficking, women's rights and immigration stakeholders are going to ascribe vulnerabilities and risks to the 'migrant sex worker' identity, there should arguably be a better understanding of who that category includes and why. This chapter addresses this by

examining various dimensions of the 'migrant sex worker' category through the experiences of the women who participated in this research: immigrant, migrant and racialised women in sex work.

Specifically, I employ McCall's (2005) 'anti- categorical' intersectional methodology (as discussed in Chapter 3) to contrast the legal or administrative dimensions of the 'migrant sex worker' category with the social or affective dimensions of this category, as well as how immigrant, migrant and racialised sex workers construct and manage work- related and non- work-related identities. As this chapter examines, the research reveals that contrary to public and policy assumptions of sex workers' precarious migrant status, most interviewees were naturalised citizens, permanent residents or otherwise had legal permission to work in Australia or Canada. Research findings also highlight the sharp contrast between the fixation on legal residency or work status (and the risks and vulnerabilities located in precarious status) in public and policy discourse, and women's focus on the social or affective dimensions of citizenship, or how sex work enables or hinders one's practice of citizenship and belonging. This chapter also examines these contrasts and considers how women reinforce their practice of citizenship in an industry where the citizenship or residency of racialised or culturally and linguistically diverse (CaLD) sex workers is often considered suspect.

The non- migrant 'migrant'

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As detailed in Chapter 2, the figure of the 'migrant sex worker' often summons ideas about the links between migration and women's sexuality and vulnerability in anti- trafficking, sex work and immigration discourses. Human trafficking is still strongly associated with sex work, despite empirical evidence that trafficking in the sex work sector is not as prevalent as suggested by the media or

anti- prostitution organisations (e.g. Segrave, Milivojevic & Pickering, 2009; Mai, 2012; Agustín, 2007; GAATW, 2007). Assumptions about foreign women

crossing Australian and Canadian borders for sex work may be over-estimated and over- hyped but this has not prevented it from being a useful narrative to marshal political will and financial resources for law enforcement initiatives, and anti- trafficking and anti- prostitution organisations. Significant resources have been channelled into anti-trafficking efforts globally, and these efforts have often resulted in invasive and punitive measures against sex workers (Brock, Gillies, Oliver & Sutdhibhasilp, 2000; RATS- W & Empower Foundation, 2012; Ditmore, 2009; Busza, 2005; GAATW, 2007; O'Doherty, 2011; Suthibhasilp, Petroff & Nipp, 2000). In particular, assumptions about the perceived passivity and victimisation of Asian workers persist in Western countries such as Australia and Canada (e.g. Bungay, Halpin, Halpin, Johnston & Patrick, 2012; Szechtman, 2012). Immigrant or migrant sex workers (or those assumed to be) may often find themselves relegated to one of two simplistic categories in anti- trafficking discourses, representing either the passivity and weakness of racialised sex workers as trafficking victims and/or the foreign threat of criminality as 'illegal'

migrants engaging in oft- criminalised work (as detailed in Chapter 2).

The social construction of the 'migrant sex worker' category is revealed by examining workers' legal residency status or the terms under which they can reside and work in Canada or Australia. The data demonstrates that women who may often be assumed to be migrant sex workers by anti-traffickers, immigration officials and law enforcement (i.e. non- White women who speak English with non- Western accents) are often actually citizens or permanent residents. Despite public or policy assumptions that the majority of non- White sex workers are either trafficked or not legally allowed to be working in Canada and Australia, Figures 5.1 and 5.2 reveal that the majority of interviewees were immigrants Naturalised or immigrant

citizens (n = 20, 57%)

Permanent resident (n = 6, 17%)

International students and

working holidaymakers

(n = 2, 6%)

Other visas (n = 0, 0%)

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Canadian-born (n = 4, 11%)

Unspecified status (n = 3, 9%)

Figure 5.1 Vancouver interviewees' legal residency/work status (n = 35).

Naturalised or immigrant

citizens (n = 8, 27%)

Permanent resident (n = 8, 27%)

International students and

working holidaymakers

(n = 7, 23%)

Other visas (n = 4, 13%)

Australian-born citizens (n = 2, 7%)

Unspecified status (n = 1, 3%)

Figure 5.2 Melbourne interviewees' legal residency/work status (n = 30).

who had obtained citizenship or permanent residency in Canada and Australia.

Those who are not naturalised citizens or permanent residents include individuals with temporary visas (e.g. international students) and Canadian- born citizens.

The women who chose to be interviewed represent a diverse range of back-

grounds, experiences and motivations. One methodological limitation that should be acknowledged is the greater likelihood of women with secure residency status to agree to an interview, although great consideration was taken to assure women that disclosures of precarious migrant status would remain confidential (see

Chapter 4 for more details). Efforts were also made to contact as many businesses and women as possible (see Chapter 4 for more details on recruitment).

Although the 65 women who were interviewed may not constitute a representative (i.e. random) sample of immigrant, migrant and racialised women in sex work in Melbourne and Vancouver, their experiences, statuses and social locations constitute an important yet under- recognised part of the sex industry; that is, the everyday realities of racialised naturalised citizens and permanent residents, compared to the highly politicised figure of the 'migrant sex worker'.

Given the strong association between ethnicity and migrant status in both coun-

tries, information on interviewees' ethnic identities are presented in Table 5.1.

Although 'Othered' ethnicities are often associated with trafficking in anti-Downloaded by [University of California, San Diego] at 22:47 15 January 2017

trafficking discourses, it was striking to note that the only interviewee who reported having been trafficked to the United States (roughly two decades ago) was a Canadian- born, White woman who is often ascribed various ethnic identities by clients. 'Alicia' initially did not identify her experience as trafficking but as 'a con', and said she was not aware of the elements that constitute trafficking.

After a brief discussion of the definition of trafficking—transportation and

asked

when

Canadian

Identify as personally

26 3 0 1

0

30

as

herself

identified

but

4

Melbourne

Identify as at work

26 1 0 1

0 2 28/30 interviewees

personally

country

3

American

Identify as personally

23 2 4 2

3 1 35/35 interviewees

Latin a

from as

herself

2

Vancouver

Identify as at work

24 3 6 1

0 1 35/35 interviewees

identified

column

this in

included

not

(e.g. Asian/European)1

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participant

Interviewees' ethnicity

remaining

about her ethnicity by clients.

Table 5.1

Asian (includes Southeast, East and South Asian) European Middle Eastern Latin American (includes South America, Central America and Mexico) Mixed racial heritage Unclassified Total

Notes 1 Distinct from mixed ethnic heritage, e.g. interviewees who identified themselves as Japanese-Korean, Chinese-Korean are included under Asian. 2 The 3 The remaining participant not included in this column identified personally as Caucasian and Canadian but passes as various ethnicities with some clients. 4 The remaining two interviewees not included in this column identified as European personally but presented themselves at work as Australian.

recruitment, through the means of deception or coercion, for the purposes of exploitation—she paused and affirmed that she had experienced this when she recounted travelling to the United States with friends she had met through sex work in Canada:

But now that you explain it . . . yeah, 'cause I was led to believe I was just going simply for a week [to the US] to see a concert . . . and the next day,

literally, [my friend] was gone. Only then, the two guys were there. And then,

'cause I said I kept playing stupid as far as, like, 'what are you talking about, I have no idea'. . . . I knew I didn't like working the stroll [street] . . .

that started happening right close to the end of the week that I had been there. I was like 'I'm not here to work' . . . so I went to [the pimp] and said

'you know, I've gotta go home, like, you know, my grandma's really worried [about me]'. [He said] 'Oh yeah, well you'll have a chance to see your family in, like, two years'. [snaps fingers] Click! That was like, ok I'm outta here, I gotta get outta here.

('Alicia', Canadian- born citizen, White, Vancouver, independent worker)
Most of the public focus on racialised women in sex work is ostensibly about women's assumed migrant status or their legal right to work in the sex work sector. However, it may be that in anti- trafficking, immigration and sex work discourses, migrant status has less to do with women's actual migration trajectories or journeys and more to do with social difference from Australian and Canadian culture and Whiteness. Part of the challenge in defining the 'migrant'

is due to the multiple dimensions encompassed in this one category of social difference. The term 'migrant' can be an administrative status that determines to what extent an individual can engage in the society that they reside in, with the right to reside but not the right to work remaining an important concern for immigration officials in both countries. Defining who is and is not an immigrant or migrant can also be a matter of self-identification, depending on feelings of belonging and entitlement within a certain territory. 'Migrant' can also connote particular intersections with class and race. In public, policy and community discussions about the sex work sector in Australia and Canada, it is almost impossible to separate out the racialised dimensions in discussions about immigrant and migrant status. In both countries, the term 'migrant' can operate as shorthand for a range of social differences—racial, ethnic, cultural and linguistic—that deviate from White nationals who speak English with Canadian or

Australian accents. In the general urban cultures in both cities, there is less tension between ideas of race, migration and citizenship; that is, it is not unusual or controversial to Downloaded by [University of California, San Diego] at 22:47 15 January 2017

suggest that non- White individuals can be born in Australia or Canada, or be Australian or Canadian citizens. However, in the sex work sector, there still remains a strong association or conflation between migration and race.

The significance of being 'migrant' or 'culturally and linguistically diverse'

also differs across contexts. From a border control perspective, migrant status can signify a potential risk to the state that must be identified, documented,

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managed and contained. The surveillance and management of documenting residents' work status in both countries contrasts with the commonplace and fluid use of ethnic and racial differences in the sex work sector. In the Australian and Canadian sex work sector, the terms 'immigrant' and 'migrant' are not commonly used. However, ethnic, racial and social differences are commonly referred to in advertising, as evident from a scan of sex workers' individual websites, public online directories (e.g. Craigslist) and industry- specific online directories (e.g. Backpage, ERS List). Racial and ethnic differences are also used to differentiate between business management practices, such as the differences in management norms between Asian- run businesses and non- Asian establishments (as discussed further in Chapter 7). Finally, performing social difference can be a standard part of work practices, such as workers performing different ethnicities as a business strategy for particular markets, or 'passing' as different ethnicities to ensure one's privacy or anonymity (as discussed further in Chapter 7).

The following section demonstrates the fluidity of these identities by focusing on how women perceived and negotiated their national identities

and connections between national identity and migrant, residency or citizenship status.

Negotiating national identities

Both Melbourne and Vancouver present interesting sites to consider the links between social difference and national identity, as it could be argued that social difference or diversity is part of the Canadian and Australian national identities as practised within these two cities. Throughout interviews, women discussed their thoughts about 'feeling' Australian or Canadian, which enabled an interrogation of multiple dimensions of national identity, citizenship and belonging. As discussed in Chapter 4, these questions initially arose as a strategy to soften the bluntness of questions around administrative migration or citizenship status.

Women's responses revealed the construction of national identities as an ongoing process rather than the static, binary categories often implied by anti-trafficking, border control and sex work discourses, such as 'victim', 'offender',

'migrant', 'local'. Women's national identities as Australian/Canadian or not-Australian/not- Canadian are always in negotiation, and based on one's experiences, interactions and aspirations, and not necessarily directly linked to their citizenship (or lack of) in a particular country. Some factors were subjective or personally defined, such as where women felt their 'life was'. Other factors were negotiated in interactions with other people, such as learning how one was expected to define oneself when asked by clients, acquaintances or strangers.

However, as the discussion of each of these factors reveals below, the impact of Downloaded by [University of California, San Diego] at 22:47 15 January 2017

these in relation to national identity varied among women.

Women's identities as Australian or Canadian nationals or migrants were not necessarily linked to the length of time spent in either country or to one's administrative citizenship status. Fourteen women (seven in

Melbourne, seven in Canada) firmly identified themselves in relation to their country of origin after gaining Australian/Canadian citizenship and/or decades of living in Australia or

Canada, while five women (three in Melbourne, two in Vancouver) identified affectively as Australian or Canadian after gaining citizenship or permanent residency. 'Ruby' reflected the former, when asked how she identified herself to others when asked and if she identified herself as Australian, Chinese or both: I always say I'm Chinese. . . . Yeah, still think I believe, I belong to China, not Australia, yeah, even [living in Australia] for 10 years. No, still want to go back to China.

('Ruby', permanent resident, Asian, Melbourne, brothel worker)

National identity can be more strongly shaped by feelings of belonging rather than administrative status. For these women, a sense of belonging was linked to where one experienced their most significant relationships and/or where one experienced the life events that mattered most to them. For example, one worker's national identity was defined by the country where formative life experiences had occurred. She pointed out that 'everything' about her life had happened in China whereas Canada was the site of a single personal event, mar-rying her husband. The geographical location of family was also mentioned by two women as influencing one's national identity: When asked "Do you feel Australian at all?", 'Mia' replied:

No, live in Australia very hard, that's why. . . . They all [other workers in the same brothel] have family, me no family here, only me here. So I still miss my country. My home. Still miss China. Here by myself.

('Mia', naturalised citizen, Asian, Melbourne, licensed brothel worker, 16

years in Australia)

Australia's a good country. But if you don't have family here, you're bored.

And you don't have friends, you're bored, you know. Even you have friend, but still very few family here, you know.

('Susie', citizen, Asian, Melbourne, licensed brothel worker,

30 years in Australia)

These reflections point to the significance of one's social networks in the construction of one's national identity, which will be further discussed later in this chapter (with an emphasis on motherhood), but the above also speaks to the importance of community and engagement in determining feelings of 'belonging', 'home' and affective citizenship. In contrast to the 19 women that identified strongly with either their country of origin or Australia/Canada, national identities were still Downloaded by [University of California, San Diego] at 22:47 15 January 2017

being negotiated subjectively for nine other workers (two in Melbourne, seven in Vancouver) as they reconsidered their previous national identities within their country of origin. One worker demonstrated the fluidity of one's identity across contexts. 'Jessica', a naturalised citizen, remarked how distanced she felt from the rapid changes in China while she had been living in Canada for six years, remark-ing, "I don't know China". Other workers talked about the differences they felt

from their country of origin over time. In a group interview, Jane, a licensed brothel worker and citizen who has lived in Melbourne for 10 years, discussed feeling "I'm not Thai" but jokingly exclaimed that it was still hard for those enquiring about her identity to accept that she now perceived herself as an Australian, "I say that [I'm Australian], no one believe me!" In contrast 'Sally', a licensed brothel worker and citizen who had lived in Australia for 16 years, talked about feeling both connected to her country of origin, "Of course you're born over there, you will feel over there", and distanced from it simultaneously:

Too long, you know. You can't be like that, 100% Thai like that, you know, so different. And even you thinking just completely different [from] Thai

people over there.

‘Pia’ expressed a very similar sentiment:

I think I feel [Australia is] my home now. [So you still feel very Thai? Or do you feel Thai- Australian?] Me? I’m confused sometimes, talk Thai and English (laughs) sometimes thinking to talk Thai, oh what is that word Thai say? (laughs).

(‘Pia’, permanent resident, Thai, Melbourne, licensed brothel worker,

six years in Australia)

However, the negotiation of one’s national identity was not only based on women’s personal assessments of where their most significant social ties were geographically located. National identities were also based on how their identities were socially constructed in Australia and Canada in encounters with others.

In particular, the links between social difference, belonging and national identity emerged in women’s reflections. Earlier reflections speak to the links between belonging and national identity; however, three of the nine workers who were subjectively negotiating national identities argued that non- identification as Australians and Canadians had less to do with their identification with their country of origin than with feeling or being reminded of their social difference within Australia and Canada. For ‘Anita’, comfort and familiarity with ‘Canadian culture’ nevertheless remained bounded by the fact of structural limitations on the rights or services she could access as a temporary migrant:

I see it [Canada] as my second home. Like, when like, our American friends are talking, like, we’re all Canadians. But I don’t know . . . for me, I guess because I still pay international fees and stuff. In the back of my head, I still Downloaded by [University of California, San Diego] at 22:47 15 January 2017

know this is not exactly my home, like, I’m not Canadian. But I think we’re well taken care of. We might not be allowed to work and all of that. We

might not be taken care of financially. But like, we're taken care of in other ways—medical, the law enforcement, and all of that . . . I have my moments.

('Anita', international student, South Asian, Vancouver,

independent worker, six years in Canada)

The public or performative aspect of national identity was often interpreted as a signal to confirm or elaborate on one's social difference. 'Cici' pointed out that she did not identify as Korean- Australian because she felt most questions about identity were really questions about ethnicity:

I just say Korean, 'cause they're not asking visa, they asking your origin, where you originality [originally come from], so, you know, not asking you, asking if you have permanent or you have citizen.

('Cici', permanent resident, Asian, Melbourne, licensed

brothel worker, six years in Australia)

Another four workers in Vancouver (of the nine workers subjectively negotiating national identities) demonstrated this difference between subjective and performative elements of national identity. These women reported 'feeling Canadian'

but would typically identify themselves to others based on their ethnic appearance.

I feel Canadian, I eat Canadian food all the time, Canadian breakfast. [When people ask where are you from, what do you say?] I say China.

('Lily', naturalised citizen, Asian, Vancouver, massage shop worker,

over 15 years in Canada)

I, yeah, I feel Canadian . . . my kids go out as Canadian. We don't speak Chinese at all. All English. That's why my English is bit better, I think . . .

[So when people ask you, 'What are you?'] Canadian Chinese, Chinese Canadian. I think mostly I would say Chinese, I think. But I'm also Canadian, right. I'm proud to be Canadian. Because I feel Chinese people so complicated (laughs). Canadian people are simple (laughs) . . . Canadian people so happy, you know. I have Canadian friend, and he's just, he earns money, he happy. . . . He live up to the day. But Chinese, they live for next, you know, 10 years later.

('June', naturalised citizen, Asian, Vancouver,

massage shop worker, 16 years in Canada)

In addition to the links between social difference and the national identity one performs, interviews also reveal national identity to be continually shifting, contextual or relational. For 'Jessica', social difference becomes a defining element in performing national identity when she talks about 'switching' national identi-Downloaded by [University of California, San Diego] at 22:47 15 January 2017

ties depending on the context.

I feel I Canadian, don't feel I'm Chinese. . . . If I go another country, I say I'm Canadian. In Canada, I say I'm Chinese.

('Jessica', naturalised citizen, Asian, Vancouver,

massage shop worker, six years in Canada)

The performative or public elements of national identity are not necessarily simple statements. As the following quotes demonstrate, at times this involved negotiating subjective or public national identities against the expectations of those who asked, as the following quotes from 'Alicia' and 'Chloe' demonstrate.

‘Alicia’ explains how she responds to questions such as ‘What are you?’ or

‘Where are you from?’:

It all depends on how my mood—if I’m tired of that question, then I just say Canadian. And then I get ‘hahaha, everyone’s Canadian’. Yeah, but I really am. Like three generations. What more do you want me to be? . . . Everybody, every nationality thinks I am them. If someone Spanish meets me, I’m Spanish. If someone Italian meets me, I’m Italian. If they’re Greek, I’m Greek . . . I don’t even believe this, I even have East Indians say ‘oh, I see a little bit of East Indian in you’ . . . I’m multi- national (laughs). Other days I could be like, well I could be whatever you want me to be.

(‘Alicia’, Canadian- born citizen, White, Vancouver, independent worker)
For ‘Chloe’, negotiating national identities meant challenging those who might question her right to ‘belong’ in Australia, by questioning their legitimacy to assess who is and is not Australian. Her framing of Aboriginal peoples as the only ‘true’ Australians can be seen as a way to decrease the social difference between herself, as a self- defined immigrant, and those asking about her identity, by framing both as ‘non-Australians’.

I say [I am an] immigrant, because doesn’t matter how many years you’ve

been here in your country, the people from the country never be accept to you, ‘you are Australia’. But for some reason, he no realise, Australia is only Aboriginal. Doesn’t matter if you grew up over here or spend all your life over here.

(‘Chloe’, naturalised citizen, South American, Melbourne,

licensed brothel worker, 11 years in Australia)

Two naturalised citizens who have lived in Vancouver and Melbourne for 10

years or more articulated the challenges in claiming either an Australian/

Canadian identity as well as a national identity from their country of origin, as immigrant and racialised citizens. They felt that the length of time they spent in Canada and Australia diminished their claims to a national identity within their country of origin. However, they also felt that their social difference within Canada or Australia limited the extent to which their claims to a Canadian or Downloaded by [University of California, San Diego] at 22:47 15 January 2017

Australian identity would be accepted, despite their familiarity with Canadian and Australian culture.

Now I don't feel Canadian, I don't feel [South American country of origin]. I feel, like, out of place. When I go back home, I have an accent in Spanish and I have an accent in English. So it's horrible. [Julie: What

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accent do you have in Spanish?] Not [South American country of origin],

maybe like Peruvian, or maybe somebody who speak English who's

trying to speak Spanish.

('Bella', naturalised citizen, South American, Vancouver,

massage shop worker, 10 years in Canada)

I identify myself as an immigrant to Australia but that doesn't explain how I experience Australia, as someone who doesn't look like a typical White Australian. It doesn't explain where I come from. I feel Western, not [South Asian country of origin]. In [South Asian country of origin], people wouldn't recognise me as [from country of origin].

('Sam', naturalised citizen, South Asian, Melbourne,

almost 20 years in Australia)

While most workers in the sample talked about feeling Canadian or Australian but being publicly identified by their ethnicity, one interviewee

spoke about her struggle to claim an ethnic and cultural identity after growing up and spending most of her life in Canada. When asked how she identified herself (Korean or Korean- Canadian), she asserted that she identified herself as Korean and argued that a Western upbringing did not diminish her claims to an Asian identity: I'm just like really proud to be Korean. But I'm so banana,1 I'm so Westernised. But you know what I mean, I wouldn't really say 'oh I'm a banana'. . . .

Because I'm Westernised just like I'd be Americanised or whatever. But I'm not a 'banana' because I think much differently. I think White people, White culture and Asian think very differently. And although I was raised

[in Canada], I'm very Asian.

('Ella', naturalised citizen, Asian, Vancouver, massage shop worker,

more than 30 years in Canada)

Women's reflections on the intersections between ethnicity, race and the definition and performance of national identities, challenge many of the assumptions around 'migrant sex work'. As argued earlier, immigration, sex work and anti-trafficking discourses often appear to rely on administrative binaries, such as citizen/migrant or documented migrant/undocumented migrant to identify vulnerability and risk. However, the use of static administrative binaries to determine or predict women's criminality or victimisation masks: (1) women's continually evolving national identities (and transnational identities), and (2) the tensions or negotiations between women's subjectively felt experiences of Downloaded by [University of California, San Diego] at 22:47 15 January 2017

nationhood and how women's identities are externally perceived. Researchers have argued that individuals' subjective experiences of affective citizenship have little relevance within administrative citizenship infrastructures (e.g. Bosworth, 2012; Anderson, Gibney & Paoletti, 2011) and citizenship and immigration regulatory bodies may argue that their role is to govern administrative citizenship and migration. However, researchers, policymakers and other stakeholders must

take care that theorising the 'migrant sex worker experience' does not solely occur within the categories defined by immigration regulatory bodies. Doing so risks missing a much more multifaceted understanding of the diverse intersections within immigration and migration than is typically permitted in public and policy discourses around 'migrant sex work'. The following discussion builds on this analysis of identities and status by turning to practices of citizenship.

Sex work and the practice of citizenship

Policy and public assumptions about 'migrant sex workers' living and working in precarity rests alongside public assumptions that most 'migrant sex workers' are sex workers who have crossed borders. For sex workers who are assumed to be

'migrants', i.e. racialised or CaLD workers, nothing is assumed to be stable and suspicions persist about their capabilities, health and safety, and adherence to industry norms (e.g. pricing norms). In some ways, the tenacious association between precarity and immigrant, migrant and racialised sex workers is surprising as they are a sizable and established part of the sex industry in both cities, particularly Asian workers and Asian businesses. However, it may be that the sex industry magnifies what immigrants, migrants and racialised persons can experience in other industries or in society generally—that naturalised citizenship and belonging in historically White countries can remain precarious and constantly negotiated achievements. Contrary to public and policy concern about foreign sex workers crossing borders to work in Canada and Australia, most interviewees entered sex work after immigrating to Canada and Australia, and after obtaining citizenship

and/or permanent residency, as Figures 5.3 and 5.4 demonstrate.

Entered sex work after

moving to Australia (n = 19)

Entered sex work around the

same time as moving to

Australia (n = 0)

Working in sex work prior to

moving to Australia (n = 3)

Unspecified length of time in

country and/or sex work (n = 6)

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Figure 5.3 Melbourne interviewees' immigration and entry into sex work (n = 28).*

Note

** Two Australian-born interviewees are not included in this count.*

Entered sex work after

moving to Canada (n = 24)

Entered sex work around

the same time as moving to

Canada (n = 3)

Working in sex work prior to

moving to Canada (n = 2)

Unspecified length of time in

country and/or sex work (n = 2)

Figure 5.4 Vancouver interviewees' immigration and entry into sex work (n = 31).*

Note

** Four Canadian-born interviewees were not included in this count.*

For the majority of interviewees, sex work is a distinctly Canadian or Australian experience or a marker of their Canadian or Australian lives. The public and political focus on sex workers crossing borders can obscure questions of how and why the Canadian and Australian context (e.g. labour market) may situate sex work as an employment option. On average, immigrant and migrant interviewees had lived in Australia for an average of 9.2 years (range from 11 months to 30 years) and in Canada for an average of 10 years (range from two to 37

years).2 Interviewees (including immigrant, migrant and racialised, Australian/

Canadian- born workers) had been working in the sex work sector for an average of three years in Melbourne (range: one week to more than 30 years) and four

years in Vancouver (range: two weeks to 20 years).3

It may not be surprising to note that public and policy discourses can deviate from sex workers' narratives and lived experiences. Yet it was still striking how much workers' narratives challenged taken- for-granted ideas of precarity.

Instead, interviews focused on and explored themes of security and mobility, particularly socio- economic security and mobility. For instance, women spoke in detail about how sex work enabled or hindered their roles as mothers, as members of their community and as immigrants and/or

Australians or Canadians Downloaded by [University of California, San Diego] at 22:47 15 January 2017

with goals for social, economic and educational mobility. Rather than citizenship status, women spoke more often about how their inclusion or exclusion from

'Australian culture' or 'Canadian culture' impacted on their work, with their clients and on their interactions with law enforcement. The following sections examine salient themes that emerged in interviews, which include motherhood and mobility (e.g. social, economic, educational).

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At first glance, these issues may not appear to be 'migrant' issues. However, this chapter situates analysis by exploring priorities as expressed by immigrant, migrant and racialised sex workers themselves—rather than attempting to centre experiences that only speak to women's 'difference'. Centring salience rather than 'difference' in the analysis may provide valuable insight into the construction of social difference. Although it may sound contradictory, there can be a risk that examining only those experiences that speak to an obvious 'difference'

(i.e. experiences that only a 'migrant' might experience) risks producing a skewed understanding of social difference. Instead, this chapter now considers the significance of social difference by identifying the themes that the 'socially different' have identified as relevant.

Sex work and motherhood

Sex workers were not specifically asked if they had children. In interviews, 18

women talked about their children, ranging in age from infants to adult children.

For these women, motherhood was one of the strongest identities that guided their decision- making in the workplace and consistently

overshadowed discussions of national identity and citizenship. Women's narratives challenged the traditional Madonna/whore duality that positions motherhood and sex work as conflicting gender roles. Instead, women's narratives suggest a symbiotic relationship between these two poles, where the latter functions as a prerequisite for the former.

It could be argued that the intersections between motherhood and sex work are not unique to immigrant, migrant and racialised women in sex work.

Although motherhood may not be a distinguishing characteristic of immigrant, migrant and racialised sex workers, it was a very salient identity for them. It was also interesting to note that three of the 18 interviewees argued that motherhood and other caregiving responsibilities did differentiate Asian workers from other sex workers.

I think it's different [between Asian workers and White workers]. Especially I hear some White girls, they take drugs. But most Oriental girls doesn't. I think that's big difference. Because for Oriental girls, like me, I'm single mom, I have little girls, [that] stay with me. So I have to handle the bills.

But White girls, some young girls, they're single—they just making money, buy them, you know, expensive clothes, nice cars, some luxury. So I think that's different.

('Andrea', naturalised citizen, Asian, Vancouver, massage shop worker)

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Motherhood shaped the way women worked and how they interacted with clients. This was especially evident in women's commitment to safe sexual health practices and women's use of mothering identities as leverage to negotiate safe work practices with clients. As 'Bebe', an Asian massage shop worker in Vancouver, explained, "I always use condom, I care. I'm a mom, I have to [be]

responsible." The quotes below provide a few examples of how women explicitly invoked their mothering identities with clients in order to negotiate safer work practices.

[In response to client requests for unprotected sex] I just tell them 'look, I'm married, I've got kids and yeah, I have to be careful of my health'. 'Cause it's not, it's not, me or you, it's about my kids, it's why I'm here.

('Skye', permanent resident, South Asian, Melbourne,

licensed brothel worker)

Guys will try and be like 'oh, I'll give you this much extra' to do a bareback blow job or whatever and I'm just like . . . I'm like 'no'. Then it's just offering more money to try to bribe you with money, but I won't. That's not, I want to live a long, a longer life with my son. The reason I'm here is to help make him a better future for him.

('Melody', Canadian- born citizen, passes as Southeast Asian,

Vancouver, massage shop worker)

Women's use of mothering identities in discussions with clients extended beyond negotiating safer work practices and also included negotiating more efficient work practices. 'Ellie' explained that after the birth of her child, her tolerance for 'high- maintenance' attitudes and behaviours diminished, including clients who didn't follow instructions, clients who were unsure or hesitant about what they wanted, or clients who wanted to spend more time negotiating before a session or chatting after a session.

Like, I was pregnant while I was in the business, so lots know I have a child.

I don't mind including the info in a session, like 'I have a baby, don't waste my time'.

('Ellie', naturalised citizen, Eastern European, Vancouver,

independent worker)

The emphasis on mothering in interviews challenges social assumptions about the precarity of sex workers' lives. Although mothering itself can be rendered precarious by the state, for example in child apprehension by child protection services and the surveillance of certain types of mothers, motherhood often appeared to act as an emotional anchor while women negotiated and shaped their professional identities in the sex industry. The social capital or moral authority that mothers claimed in their work also appeared to extend to other workers.

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Motherhood carried assumptions about how one might work and as such it suggested a way to assess other workers' characters. Workers' comments seemed to imply that building rapport or working collegially was facilitated by knowledge of other workers' familial responsibilities. Given the stigma and social miscon-ceptions about sex workers, it perhaps is not surprising that some sex workers internalised stereotypes of sex workers as risk- taking women. Knowledge that

other workers had children provided a reassuring commonality or frame of reference that could increase trust and decrease social distance between sex workers.

One worker, 'Mimi', explained that small talk during the work day with other workers usually involved chatting about each other's families and supporting each other with the challenges of single motherhood, stating that "we just together help".

Here, girl is very nice. . . . Every girl have family.

('Mimi', Asian, Vancouver, massage shop worker)

Sex workers not only used mothering identities to shape client behaviour and build rapport with co- workers, but women also spoke about the pragmatic advantages of sex work that allowed them to define their

mothering roles outside the workplace. One of the advantages of sex work was it provided a liveable income from part- time work. Sex work enabled women to mother in the way they felt was best for their family, such as being more present with their children and providing for their family at a comfortable socio- economic level.

I increased my life with that, with the job. But as I know more people, know more experience, so I got the, like, get my own home, get like a good car, and take care of my two little kids very well. So this is, I'm happy God gave me this power, to be staying by myself, even I didn't have good support from my ex- husband.

('Daisy', naturalised citizen, Middle Eastern, Vancouver,

independent worker)

Another worker, 'Lily', an Asian naturalised citizen working in a Vancouver massage shop, spoke about choosing a workplace that was fairly close to her home, to ensure that she would be at home for her kids after they finished the school day. One worker, 'Lulu', specified that the best advice she had ever received from other sex workers was to work as a private, independent sex worker as it would enable her to balance her responsibilities as the primary caregiver and bread- winner:

So then one of the thing I really, really love about this job—I was a mother for my kids. And I was next to my kids . . . as an immigrant woman, not having a family or anything, so then when I was working outside [in a com-Downloaded by [University of California, San Diego] at 22:47 15 January 2017

mercial establishment], so it was long hours, and then my kids were basically homeless because they were out, they were, like, they could go out, and then they didn't have [my] support. . . . They didn't have a father. And

they were by themselves.4

('Lulu', naturalised citizen, Middle Eastern, Vancouver,

independent worker)

I decide to stay with my kids and take care of my kids and work at home. . . .

Yeah, after two years, my daughter born and I can, I have two kids at home.

But I want to be with my kids because my kids need me.

('Lillian', naturalised citizen, Middle Eastern, Vancouver,

independent worker)

The relationship between motherhood and sex work is complex. On the one hand, workers spoke about their fears of having their children taken away by child protection authorities because of their involvement in sex work. This included the fear of having their children taken away if they placed them in daycare while they worked. One worker, 'Leila', revealed that she had not filed tax returns for a number of years because she did not want to disclose sex work as her occupation. She believed that disclosing sex work on her tax returns might trigger the attention of child protection authorities. This also prevented her from accessing other support and services for single mothers.

I am worried if I go over there and then become their [welfare] client and they get to know me, like you know more, and then they say then you are

not capable of being a mother, capable of taking care of that child.5

('Leila', naturalised citizen, Middle Eastern, Vancouver,

independent worker)

The emotional labour involved in concealing their work from their family was also a concern. Although mothering identities could be openly used in the workplace to shape better working conditions, women had to conceal

their professional identities from their families to ensure that their families could continue to benefit from the advantages sex work provided. 'Bebe' argued that sex work required one to lie to one's children and this created strong feelings of guilt despite her pride in financially providing for her family. Managing stigma was also an important maternal responsibility for workers, and sex workers worried about how the stigma of sex work would affect their children's future opportunities. However, motherhood also functioned as an anchor for women in a stigmatised and (in Canada) criminalised work sector. Motherhood could be used as a form of social capital or moral authority to legitimise women's sex work. As the following quote reveals, sex work was not perceived to be necessary if the only objective was to support oneself:

We work [as] all the same people out there [not in the sex industry], you know. Because they look after families as well. If we don't do, how we,
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how family is going to be feed, you know? They can't. That's for family, for us anyway, you know. . . . Other way [otherwise], you don't have to work this. Go like [do] cleaning [work for] two, three hundred, four hundred a week, just for yourself, you know. If you want to help family, you have to work this job.

('Sally', naturalised citizen, Asian, Melbourne, licensed brothel worker)

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I was a little badass before my son, like I changed my whole life around for my kid and I've gone back to school and I've done things. Changed my whole life for my kid. And then I always said I'd never end up here [in sex work] and whatever, but after a while it was just like, you can't help what happens.

('Melody', Canadian- born citizen, passes as Southeast Asian,

Vancouver, massage shop worker)

Although not specifically stated by workers, narratives suggested that working in the sex industry demonstrated one's commitment to mothering, given the risk (of stigma, of criminalisation) that women had to manage in order to work successfully. As 'Bebe', an Asian massage shop worker in Vancouver, put it, sex work allowed one to provide for the people one loved the most. As stated above, managing motherhood in relation to sex work required careful efforts to ensure that one's family and one's aspirations for one's family would not be hindered by stigma. For many of the workers interviewed, managing and preventing stigma remained a central part of managing sex work, as the following

section discusses.

Managing stigma, managing citizenship

The stigma around sex work is the landscape in which sex workers define and manage their various work, personal and social identities. The stigma around sex work is commonly acknowledged in research and public discourses, with much of the focus on the emotional burden of stigma or the impact of stigma on sex workers' well- being (e.g. Sanders, 2005; Scambler, 2007). To a certain extent, this was reflected in interviews. Women often spoke confidently about the strategies they used to maximise gains and minimise harms in sex work, yet admitted that the continuous stigma and social judgement levelled against sex workers took an emotional toll, even when women took care to manage or prevent stigma (e.g. concealing their work from their social networks).

Although stigma is commonly acknowledged as a harm sex workers face, there remains an opportunity to examine the various dimensions of stigma. For interviewees working in progressive cities such as Vancouver and Melbourne, the prevalence of stigma against sex work still demands a great deal of attention to public attitudes, and ongoing personal reflection to reconcile workers' personal experiences of agency and strategy with public ideas of sex workers as victims or threats to public safety.

As with motherhood, stigma may not appear to be a concern unique to immig-Downloaded by [University of California, San Diego] at 22:47 15 January 2017

rant, migrant and racialised workers in the sex industry; however, it remains a very salient concern and it is a context that significantly shapes the lives of immigrant, migrant and racialised workers. Specific questions about stigma were typically not asked in interviews; however, concealment of one's involvement in sex work, or careful and strategic management of disclosure, was the most common strategy identified by 32 of the 65 interviewees. Stigma demanded not

only concealing one's work but also an astute awareness of the implications of different identities in different contexts:

I just try to separate my work from my life. Because I never mix friends.

Like I don't introduce the people I know in the industry to my friends in my life. So I just, when I'm working here, I'm ['Amanda']. [When] I'm not working—I'm myself with my family, or my friends . . . no girls here wants their family or anyone know about their job.

('Amanda', international student, Asian, Melbourne,

licensed brothel worker)

Just, I think now I'm used to it. At the start I was very scared, every single word I was talking to my friend have to watch out, and my family too. And I think anyone work this business they have to lie for sure, cause they don't want anyone to know what they are doing. . . . It's ok, I'm get used to it now, I think. So I'm pretty good at it (laughs), yeah. Just made one excuse, like, what I'm doing and make all the same excuse to friends, relatives, yeah.

('Ruby', permanent resident, Asian, Melbourne, licensed brothel worker)

Although researchers may assume that immigrant and migrant sex workers are more isolated than Australian- or Canadian- born sex workers (e.g. Szechtman, 2012), interviewees often spoke of their valued social and community networks and preserved these networks by concealing their

work to reduce the risk of social isolation. Women also talked about protecting their social networks from information that they may not be equipped to handle. This included concerns that workers' friends and family did not possess enough knowledge about the realities of sex work to effectively resist or challenge stigmatising attitudes that workers dealt with on a daily basis, as 'Farah' explains:

The stigma doesn't affect me now. I can deal with it. 'Cause I don't feel shame. But I know the stigma affects other people in my life . . . I have two best friends who are both like virgins, they don't know anything about my secret life. And sometimes I desperately just want to talk to them, you know. . . . But I, I feel I know it will affect them. Maybe they won't judge me but then, ok like well, you know, 'I can't be hanging around with a prostitute'. And they won't even want to think this but it's just kind of the stigma will be put on them by association.

('Farah', Canadian- born citizen, Asian/European, Vancouver,

independent worker)

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Concealment of sex work also permitted women's family and friends to benefit from sex work without incurring the 'costs' of stigma, as demonstrated by 'Ava': I have couple of good friends. But then they're really naive, thank god (laughs) . . . they just never think of me doing it. And they should know by

now. I mean, I leave like so many clues. I just done lipo [liposuction]! I mean how can I afford lipo? And I pay for this apartment (laughs). Even my mom, I mean—I sent her like, because they were bankrupt. I sent them a lot of money. Just, I don't know. Maybe they think I just dig up the front yard and there's money.

('Ava', permanent resident, Asian, Melbourne, independent worker)

Workers also had very pragmatic reasons for managing stigma. At a personal level, women's work- related and non- work-related identities were symbiotic.

Women used gains from sex work to support their personal goals, and many women relied on personal identities (e.g. as mothers, as students) to guide their work practices. However, in practice, maintaining clear distinctions between women's work and their personal life was crucial in order to ensure that work benefited one's personal life, and vice versa. Numerous workers explained that although they were careful not to internalise stigma and did not believe negative social attitudes about their work, stigma had very tangible consequences for workers, their families and communities that required careful and ongoing attention.

Don't be ashamed of what you do. I don't go around telling people because I know I'll be judged, but I'm not embarrassed about this, I don't feel like a second- class citizen because of this . . . I accepted the stigma, I live a private life, but then you never know it could get out, that's my worry, how it would affect my son, family or friends. . . . Personally I don't think I could be an advocate [i.e. sex worker activist] because of my family or son's future, what if he wants to be politician, I'm not going to be out there [as a sex worker].

('Ellie', naturalised citizen, Eastern European, Vancouver,

independent worker)

Although sex work was a part- time work option for a significant number of interviewees, either as the sole source of income or a supplement to other work, the management of identities demanded attention during women's off- hours as well as within the workplace, to prevent stigma-related consequences from affecting one's social networks.

Like I said earlier, that even though you do this work for one day, 10 years, or five years, you are regarded as a prostitute. . . . Like for me, once I become a, a prostitute, I walk around in the market. I look around and people look at Downloaded by [University of California, San Diego] at 22:47 15 January 2017

me and I thought, did they know I'm a prostitute? And that's why I think it's easy to come in and very hard to get out. It will be something that attached to you until you die, the day you die. . . . Even if I try to dress very homely but I still had that feeling, you know, it's just what inside me, my

own feeling that make me feel like that.6

('Bee', permanent resident, Asian, Melbourne, licensed brothel worker)

The tenacity of stigma demands effort to challenge it continuously. Changing people's attitudes requires time, patience and care, which can become an additional work- related burden for sex workers who are trying to manage their time and energy.

But when someone's conservative, there's minus [negative] status, people think you're scum. And there's nothing you can say to change their mind, and I don't want the work of educating them.

('Sam', naturalised citizen, South Asian, Melbourne, various sectors)

Sometimes [we] got some volunteers [from anti- prostitution groups] come over too [to the brothel]. Because they think, like people try to always think the girls who work in this industry are quite pathetic. But basically we girls don't think ourselves like that. . . . And so we don't look down—at least personally I don't look down upon myself about doing this. But some people

. . . think you are the one in disadvantaged position. And they come here and they give you some gifts. . . . Like some cupcakes or something, some cupcakes they make by themselves. . . . Because they think you're like, 'oh poor girl, we'll be nice to you'.

('Amanda', international student, Asian, Melbourne,

licensed brothel worker)

Despite the challenges of stigma management, workers demonstrated versatility in meeting these challenges. Workers expressed different levels of comfort with the sex work sector, with 14 workers (seven in Melbourne, seven in Vancouver) expressing a range of conflicted or ambivalent feelings about sex work.

However, many workers expressed pride that they were employed. For example,

'Coco', an Asian permanent resident working in a Vancouver massage shop, said that as someone coming from another country, her attitude was to "steady here . . . everyday I have to go out, find something better, always searching for better . . . I have to try, I have to make money".

For many of the interviewees, stigma also needed to be managed within the workplace. Although sex work stigma is an issue that affects many sex workers (regardless of citizenship or migrant status), there are certain dimensions of stigma that may be more salient for immigrant, migrant and racialised workers.

This primarily occurred through the screening of clients from the same ethnic background or clients from the same ethnic/racial background as their social networks. Clients of the same ethnicity as workers or the same ethnicity as workers'

social networks represented a site where women's work could potentially clash Downloaded by [University of California, San Diego] at 22:47 15 January 2017

with women's personal lives. Screening clients by ethnicity was one strategy to limit the possibility of recognition within the workplace, as the following quotes demonstrate:

I haven't get Japanese customer. I never seen here. I saw a few Japanese customer in North Melbourne. But here, little bit suburb cause I don't want

[Japanese customer] (laughs). Around City [i.e. Melbourne City Centre or Central Business District], I think some Japanese customer. I think I don't want to see them intro, like, in introduction.

('Adele', international student, Japanese, Melbourne,

licensed brothel worker)

I'd prefer a White guy [as a client] who has nothing to do with my family or my life.('Sam', naturalised citizen, South Asian, Melbourne, various sectors) Like, because I don't have any Chinese friends here, so, in Australia.

Because the friends I know is not here. So I'm like, it's ok [to see Chinese clients]. But if I was like, I was brought here when I was three or four, I have schoolmates here, I have all my family, then I would be bit, very, very cautious, try to not to bump into them. . . . Because some shops have cameras, so the girls would know, would see from the camera what kind of customer is come in, how he looks like.

('Amanda', international student, Chinese, Melbourne,

licensed brothel worker)

The careful management of stigma through managing race, ethnicity and nationality was not only related to protecting workers' privacy but also about managing clients' comfort and therefore maximising business. One Vietnamese manager discussed taking care to follow Vietnamese clients' social cues around ethnicity, to ensure that no bookings would be lost due to clients' embarrassment or discomfort at encountering staff of the same ethnicity in a brothel.

If I see Vietnamese customer, I still speak English to them [at first]. Because sometimes they feel shy. They shy if [they know we] speak the same language. But if they speak to me [in] Vietnamese [first], I speak to them [in]

Vietnamese. . . . If they know that I'm Vietnamese, they speak Vietnamese, ok, I'll speak Vietnamese, you know. But some, they feel shy [if they know I'm Vietnamese] and they not make the booking, you know.

('Ben', permanent resident, Vietnamese, Melbourne, brothel manager)

Screening out clients of the same ethnicity or concealing one's ethnicity from clients of the same ethnic background was also a necessary strategy to navigate clients' ideas about nationhood. Two workers discussed their discomfort with clients of the same nationality due to clients' stigma against workers of the Downloaded by [University of California, San Diego] at 22:47 15 January 2017

same nationality or ethnicity. These two workers spoke of clients who took on the task of stigma management themselves:

'Cause some Indians, not all of them, some of them are ok, but some, they put you down, like 'oh, you [are] Indian, why you doing this job', you know? . . . I just tell them, oh, sometimes I say I'm [Southeast Asian]

(laughs), anything, whatever comes. . . . Yeah, it doesn't matter to me too

'cause I don't socialise with Indians. But yeah, some of them, like they just

'why you here? Why you doing this job?'

('Skye', permanent resident, South Asian, Melbourne,

licensed brothel worker)

[Re: a Korean client] [L]ong story short, one of them were kind of judgemental. It's like you booked me! And you asked me if I was Korean. [He

said] 'So why don't you go back to Korea?' [I said] Because I, no, first of all, I came here when I was 14, have a degree from here—they're really

pity looking and like, 'why don't you, like, quit this and go back to Korea?' . . .

It's very Asian culture—the man can, but the woman, yeah, it's the shame of their country.

('Ava', permanent resident, Asian, Melbourne, independent worker)

Clients' comments in the above quotes suggest concerns about managing ideas about nationhood in Australia and the links between nationality and community in Australia. Sex workers' earlier comments about avoiding clients of the same ethnicity and/or nationality suggest a specific relationship between nationality and community as one way of practising citizenship for ethnic minorities in Australia or Canada. For immigrants and migrants, the notion of 'community'

easily extends to one's nationality and/or ethnicity. Or in other words, members of one's community may constitute large numbers of people unknown to the worker but who are nevertheless considered part of one's community in Australia or Canada.

This sense of 'nationality as community' is evident in clients' comments in the quotes above. Both clients expressed discomfort and surprise in encountering sex workers of the same nationality (in the first instance) and the same nationality and ethnicity (in the second instance). In the first instance, the client's comments not only question the appropriateness of sex work for 'their' nationality, but it also suggests a desire to manage who works in the sex industry in order to manage particular ideas of nationhood in Australia. The client in the second quote expresses a greater level of responsibility for or investment in the welfare of the worker, based on their shared nationality, and expresses this through a desire to see the worker 'help herself '. It is interesting to note how workers in both instances resist these attempts at national 'solidarity'. In the first instance, the worker conveniently bypasses such debates by 'passing' as another Asian national identity. In the second instance, the worker challenges the idea of a shared affective national identity by affirming her own 'Australianness' or her Downloaded by [University of California, San Diego] at 22:47 15 January 2017

claims to an affective Australian identity. As the above demonstrates, stigma management has implications for workers' personal and professional lives. In the examples above, stigma management had implications for women's business, due to client attitudes towards workers who shared the same ethnicity or

nationality. The following section continues this exploration of the links between workers' professional success and their personal mobility aspirations.

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Economic, educational and social mobilities

Themes of socio- economic security and mobility may contrast sharply with discourses around 'migrant sex workers' and vulnerability, but those themes do not deviate far from Canadian and Australian narratives of the 'resilient immigrant'

and aspirations towards mobility. Mobility is not only integral to how sex workers maximise their success in the industry (e.g. moving between businesses, moving between cities), but the goal of mobility also functioned as a useful anchor for women's occupational trajectories in the sex work sector. Women strategised their work practices and work trajectories in the sex industry based on their personal goals for economic, educational and social mobility. For many interviewees, sex work provided a substantive part- time income that afforded women time and resources to pursue their long- term goals outside the industry.

Mobility can function as one way of practising citizenship, for example, through undertaking education in Australia or Canada, and establishing economic security. For example, sex work enabled women to finance their and their children's studies while avoiding personal debt. As 'Ellie' explained:

When I first came here [to Canada], I was going to school, I didn't know much English, I wanted time to learn language, spend time on my studies.

The only thing that would give me flexibility to work anytime I wanted, and get more money was through this. . . . When I was going to school, I had a baby, that's why I keep going on.

('Ellie', naturalised citizen, Eastern European, Vancouver,

independent worker)

Furthering one's education in Australia and Canada was identified as an aspiration but also as a necessity by some, particularly if one's international university education was not deemed sufficient for the Australian or Canadian labour market. For instance, 'Bebe' was adamant that she would never work in the sex industry in her country of origin, not for "a million dollars". But she argued that she was expected in Canada to start all over again and to repeat her education at a Canadian institution. Ultimately, she decided that the pressure of accruing a student loan out-weighed her discomfort about the sex work sector and decided to work at a massage shop to further her educational and other occupational goals. The use of sex work in the practice of citizenship is shaped by the devaluing of some international credentials and experience in the Australian and Canadian labour market that can leave women unable to access skilled labour opportunities.

[Interviewee speaking in English] I was teacher when I was in my country.

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But here, no, I can't do that . . . [Community support worker continues interpretation] A Canadian woman can see [sex work] as a job—for me, it's as a necessity of living, it's a living thing I am doing here. To pay my rent, to pay for the food, and to provide for my kids. It's not a job, it's living.

('Lillian', naturalised citizen, Middle Eastern, Vancouver,

independent worker)[7]

Although exclusion from the formal labour market was a significant issue for some, the inadequacies of the mainstream labour market were more important issues for others. 'Coco', an Asian permanent resident working in a Vancouver massage shop, argued that "my job is better than normal job" and explained that working the whole day in another job (e.g. hotel, factory) would be the equi-valent of seeing one customer at her workplace. She added that if she saw three or four customers in one day, it enabled her to take a few days off if she desired.

Sex work afforded mobility in a way that other sectors did not, given its relatively higher income compared to other employment options available, a work environment with relatively longer periods of 'downtime' or time between bookings and the relative flexibility of hours. These elements enabled women to balance work with their other objectives and roles, such as mothers, students and community members.

I think, I work [in] this shop, [it's] better. Because why you know—more freedom. Can come anytime, if I don't want to work, no feel want to work, I no need to come working. But if you work in the factory, you must wake up at what time and finish what time. But this mean more freedom. Because if you want money, you come work. If you don't want money, you no need to

come here.

('Gigi', naturalised citizen, Asian, Melbourne, licensed brothel worker) I never had a passion for accounting but who does? If it was some job that I could be passionate about, I can sacrifice it for money if I really like it. But something I really don't like, I just didn't see the point [of leaving sex work]. ('Ava', permanent resident, Asian, Melbourne, independent worker) A few workers explained the value of working with an exit from the sex industry in mind, but they were also frank about the attitudinal changes required to transition into more mainstream work. Exiting the sex work sector required lowering one's standards and adjusting expectations about the financial gains possible in the mainstream labour market, even though moving to the mainstream labour market afforded other advantages such as social acceptability. A few workers were willing to accept a reduced

income and living standard in exchange for more socially acceptable work, explaining that they were not 'greedy' and that they would be satisfied with an income that paid the bills and supported "basic life", as 'April', an Asian permanent resident working in a Vancouver massage shop, put it.

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I wouldn't be doing this job if I wasn't an international student. Like if I had a work permit, I would be doing a regular job . . . for example, my girlfriend, she works at the [hotel]. She keeps telling me all the time that, 'you could just get your work permit, I can get you a job here'. It's from between two and three thousand every month, just working as a server. 'Cause like tips,

hours, union pay, benefits and everything. So if I had a job like that, I wouldn't really have to work [in the sex industry]. So I guess I don't have that option.

('Anita', international student, South Asian, Vancouver,

independent worker)

In order I get a job, in order they hire me, I have to have experience. In order I gain experience, I have to have a job actually. So then, it's a cycle for me. That it doesn't end. For that reason, I didn't have any other option.

So I am doing this. However, I really, [I] respect that . . . [sex work] is paying for the rent and for the food for [me] and for [my] child. But then, if

[I] would have a choice for the better job, [I] would have go for the better job. By better job, [I] don't mean 10 hours a week of the cashier. So something decent enough to pay for the rent and for the food. Basically, what [I am] asking is a full- time job.

(‘Leila’, naturalised citizen, Middle Eastern, Vancouver,

independent worker)[8]

But more often, women indicated that the mainstream labour market would not enable women to achieve their mobility objectives. Sex work still remained a necessary financial top- up strategy to address the gaps left by mainstream work:

[Community support worker explaining interviewee’s comments] Can I explain something? . . . Whenever she find a job for the caregiver, as a caregiver, she goes actually and then she do that [job]. But it’s not something she always has it. She lose it, she get a client and the client dies, and she doesn’t have a job for few months. So that’s why she is working indoor [as a sex worker] because it’s, basically for her, is a job which always paid that she can rely to. And then, but during of the time she has like a caregiver job, still she does the job inside in her home [as a sex worker].

(‘Daisy’, naturalised citizen, Middle Eastern, Vancouver,

independent worker)

I’m working two jobs now and it’s not enough. I was working on the farm

before. I was working on the farm but it wasn’t enough. And I also still work on the farm. I don’t have enough money to, to save.

(‘Bee’, permanent resident, Asian, Melbourne, licensed brothel worker)

Ten workers identified themselves as temporary workers in the sex industry and Downloaded by [University of California, San Diego] at 22:47 15 January 2017

valued sex work primarily as a short- term strategy towards social, economic or educational mobility rather than a long- term career.

I just for working little while, yeah. Now thinking until probably half month or month, I will stop and finish the job . . . I want to build business.

I just from China money send here, can do the business but I already lose money.

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You know, because here very different China. Yeah, I do the business before, really good, but in here, I'm not understand very much. So I, I don't want to do now. I just watching, looking, talking to customer, try, understand how to do more so later I do myself.

('Elsie', international student, Asian, Melbourne, licensed brothel worker)
And for me, I will like [think about] how much you want earn and how much the way you won't do. Just do it, don't need care about another person thinking. Yeah, and then after, you just quit this job because actually this job cannot [stay in] for longer. You need to try to thinking your future, what you need to do and saving enough money for what.

('Lita', international student, Asian, Melbourne, licensed brothel worker)

'Ana', a naturalised citizen working in a Vancouver massage shop, spoke at length about how she chose her workplace, how she assessed potential clients and how she structured her work to subsidise both her studies and her children's university tuition. However, when asked about what advice she would give to other women working in the industry, she argued against sex work as a long-term employment option, and that sex work is "not your future, not my future"

(her emphasis).

Interviewees' views on sex work as temporary work complicates the typical discourses around 'exiting'. The concept of 'exiting' the sex industry has been argued by anti- prostitution abolitionists who have framed 'exiting' as a rehabilitative process or considered exiting as the only acceptable goal for women in the sex industry (Law, 2011). Those working within a sex workers' rights framework have challenged the value of 'exiting' programmes for sex workers and have argued that an emphasis on exiting the sex industry perpetuates stigma against sex workers (Law, 2011; Sanders, 2007; O'Neill & Campbell, 2010). However, for

interviewees, working with an exit plan in mind was a strategy to maximise success in sex work by ensuring that one remained goal- oriented. Success in sex work (however one defined it) also meant that one could exit the industry on one's own terms and according to one's own timeline. In current sex work discourses, 'exiting' has carried negative connotations of women leaving the industry traumatised or in need of recovery. However, interviewees' comments about their long- term goals suggested that one's exit could be a sign of success in sex work, that one had maximised the opportunities within sex work or that sex work had served its purpose enabling opportunities outside the industry.

Conclusion

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Public and policy discourses have often contested immigrant, migrant and racialised sex workers' right to reside and work in Canada and Australia. Within these discourses, precarity is often assumed to be a defining feature of 'migrant' sex workers' lives and work. Yet, women's narratives suggest a much different orientation, with a focus on mobility rather than precarity. As discussed in this

chapter, a significant part of this process for interviewees involves determining which identities enable security and mobility in and beyond sex work.

For most of the women interviewed, legal and residency status was secure or regularised: as citizens, permanent residents or documented temporary migrants (e.g. international students). Most of the women interviewed had entered sex work after they obtained citizenship or permanent residency in Canada and Australia. The preoccupation in public and policy discourse about non- White sex workers' citizenship status contrasts sharply with narratives that emerged about women's practice of citizenship or one's day- to-day life as a citizen, resident or member of society. What emerged was a deeper discussion about how sex work enabled one's roles and

responsibilities as a citizen or resident in Melbourne and Vancouver and the use of national, labour and personal identities to ensure safety in the workplace and mobility outside the industry.

Involvement in sex work demands ongoing management of multiple identi-

ties, both in and beyond the workplace. Some identities required more negotiation than others. For example, even though most interviewees' legal status was secure, women's national identities or sense of affective citizenship was much more fluid. National identities were negotiated more frequently, both in women's changing personal perceptions of how they belonged or didn't belong in Australia or Canada, but also their perceptions of how they were expected to identify themselves to others. By contrast, women's identities as mothers was an example of a stabilising, enduring identity that functioned as an emotional anchor to establish one's right to work in sex work, and as leverage to negotiate safer or more optimal working conditions with clients. Finally, the range of identities that are called upon in various moments (e.g. as mothers, as citizens) occurs within the context of enduring stigma against sex workers. For interviewees, stigma remains an important context that shapes when and how identities are obscured, managed or constructed.

Women's negotiated identities in the sex industry occur within a context in which immigrant, migrant and racialised workers' right to live and work in Australia and Canada can often be regarded with suspicion or disbelief. In this sense, sex work can destabilise citizenship or belongingness for immigrant, migrant and racialised sex workers in a way that may not occur in other industries. Both Melbourne and Vancouver are large, multicultural, cosmopolitan cities with numerous ethnic and immigrant communities. Although racism is not unheard of in both cities, the presence of ethnic, racial and immigrant communities across various industries is for the most part taken for granted and does not automatically signal concerns about legal status. The contestation and suspicion of racialised, immigrant and migrant sex workers' right to reside and work Downloaded by [University of California, San Diego] at 22:47 15 January 2017

in both countries stands in interesting contrast to the fact that these sex workers (particularly Asian workers) constitute a significant and routine

part of the sex industry, as evident from a scan of sex workers' individual websites, public online directories and industry- specific online directories.

The destabilising of status has serious consequences for sex workers. It can normalise punitive law enforcement and immigration approaches, including

immigration surveillance in the workplace, anti- trafficking efforts and immigration and enforcement raids in the workplace. It can also invalidate the voices and opinions of non- White sex workers who speak English with non- Western accents by perpetuating assumptions that such workers are less entitled to speak up about work conditions. Given that a large proportion of sex workers in both cities are racialised, immigrant or migrant, this conveniently categorises a large swathe of the industry as less capable or less entitled to shape working conditions in the industry.

For researchers, policymakers and other stakeholders concerned about the experiences of 'immigrant' and 'migrant' sex workers in Canada and Australia, it may be more productive to consider how structures and social norms about citizenship come to situate sex work as a viable employment option, rather than tracking potential sex workers at national borders (Pickering & Ham, 2014) or undocumented migrants in sex work businesses. The public focus on the value of legal work and residency status in both countries is challenged by women's narratives about the utility of sex work when legal status does not ensure inclusion, security or mobility in mainstream labour markets. The government and public focus on the 'migrant sex worker' permits suspicion, surveillance and questioning of racialised sex workers' citizenship and belonging. But the preoccupation with workers' legal status may also obscure the inadequacies of citizenship norms in Australia and Canada (that still centre White persons with Western accents) and the inadequacies of mainstream labour markets in meeting the social, financial and educational mobility goals of naturalised citizens and persons residing in Canada and Australia.

These findings are particularly relevant for Australian and Canadian policymakers and law enforcement personnel. On the one hand, the statement that non-White sex workers with non- Western accents can be citizens or permanent residents sounds embarrassingly obvious and a little racist. However, national anti- trafficking efforts in Canada suggest that convincing law enforcement personnel and policymakers of this fact continues to be a struggle. As of early 2014, the Ottawa Police Service announced an anti- trafficking initiative that included City Police Services in every province except for British Columbia (where Vancouver is located) and Prince Edward Island (Ottawa Police Service, 2014). In addition, the Royal Canadian Mounted Police has also announced their intentions to scrutinise immigrants in erotic massage establishments as an anti-trafficking strategy (Lalonde, 2013).

Another question remains for sex workers and their allies about whether emphasising the citizenship, social inclusion and belonging of non- White sex workers in Canada is enough to 'stabilise citizenship' or neutralise law enforce-Downloaded by [University of California, San Diego] at 22:47 15 January 2017

ment suspicion. At local, micro- interaction levels, reinforcing messages about

'immigrant' and 'migrant' sex workers' inclusion and residency in Vancouver and Melbourne may help as a basic self- defence strategy. In a conversation with an Australian sex worker activist (personal communication, 27 June 2013), it was pointed out that humanising oneself when faced with a potential abuser is a common self- defence strategy. In this context, educating local law enforcement

personnel to recognise non- White sex workers as likely citizens or residents may reduce bullying and harassment of non- White sex workers by law enforcement, particularly in Vancouver where sex work- related activities are criminalised under federal law. Researchers have outlined the limitations of using affective narratives about individual and family struggles to change an immigration appar-atus that is technically only

concerned with administrative citizenship and legal status (e.g. Bosworth, 2012; Anderson et al. , 2011). However, an intersectional analysis of the 'migrant sex worker' category can help reveal the social differences (e.g. racial, ethnic, linguistic) that continue to be associated with risk and vulnerability in law and immigration enforcement discourses in Australia and Canada.

This chapter has considered the dissonances between women's lived experiences of mobility, affective citizenship and belonging, and tenacious assumptions of immigrant, migrant and racialised sex workers' precarity within immigration and law enforcement discourses. Sex workers' negotiation of affective citizenship and belonging, and management of both work- related and personal identities occur within the context of two different sex work regulatory frameworks in Vancouver (where sex work is criminalised but not illegal) and Melbourne (where sex work is legalised). The next chapter examines the laws governing sex work in both cities and their impact on immigrant, migrant and racialised women's agency, security and mobility in the sex industry.

Notes

1 'Banana' is used as shorthand for 'yellow on the outside, White on the inside'. The term is often used to denigrate or dismiss Asian Westerners and/or Asians who are ignorant of Asian culture.

2 Melbourne figures are based on 23 out of 30 interviewees in Melbourne. In the Australian sample, five interviewees did not specify the length of time in Australia and two interviewees were born in Australia. Vancouver figures are based on 28 out of 35 interviewees in Vancouver. In the Canadian sample, three interviewees did not specify the length of time in Canada and four interviewees were born in Canada.

3 Melbourne figures are based on 26 out of 30 interviewees in Melbourne. In the Australian sample, four interviewees did not specify the length of time in the sex industry. Vancouver figures are based on 32 out of 35 interviewees in Vancouver. In the Canadian sample, three interviewees did not specify the length of time in the sex industry.

4 This interview was interpreted by a community support worker who has provided support to this interviewee.

5 This interview was interpreted by a community support worker who has provided support to this interviewee .

6 This interview was interpreted by a NAATI- accredited interpreter (National Accredita-Downloaded by [University of California, San Diego] at 22:47 15 January 2017

tion Authority for Translators and Interpreters Ltd) and community leader in Melbourne.

7 This interview was interpreted by a community support worker who has provided support to this interviewee.

8 This interview was interpreted by a community support worker who has provided support to this interviewee.

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6 Using legalities and illegalities in sex work

The governance of sex work is a key focus of global sex workers' rights efforts and sex work researchers. Research has investigated the negative impacts of criminalisation on sex workers (e.g. Crofts & Summerfield, 2006; Harcourt, Egger & Donovan, 2005; O'Doherty, 2011; van der Meulen & Durisin, 2008; Shaver, Lewis & Maticka- Tyndale, 2011; van der Meulen, 2011; Shannon, 2010; Phoenix, 2007b). This has been matched by numerous activist efforts by sex workers and their allies for the decriminalisation of sex work (e.g. Open Society Foundations, n.d.; Mensah & Bruckert, 2012; van der Meulen, 2011). More recently, scholars have begun to question the dominance of law and regulation in analyses of sex worker experiences (Wagenaar & Altink, 2012; Agustín, 2008; Phoenix, 2007a), and have called for a shift towards an exploration of the "lived experience of the law" (Sanders & Campbell, 2014, p. 536), the "mundane details of policy implementation" (Wagenaar & Altink, 2012, p. 279) and the

"subjects, identities, practices, and spaces" shaped by the law rather than the legal text itself (Scoular, 2010). This chapter contributes to this literature by advancing beyond a strict legal or political analysis of legality and illegality to examine the experiential dimensions of legality

and illegality in sex work. Specifically, an 'inter- categorical' methodology (McCall, 2005) is used in this chapter to investigate how sex work laws and regulation produce: (1) different professional knowledges, (2) professional identities as 'legal workers' or 'illegal workers' and diverse mobilisations of these identities in the workplace, and (3) consequences for women's security, mobility and agency. The regulation and the mobilisation of 'legal' and 'illegal' identities can be particularly salient for immigrant, migrant and racialised women in sex work, who may find themselves negotiating a range of suspect identities, given persistent stereotypes of trafficked sex workers and 'illegal' migrant workers. The question arises of what legality and illegality can and does offer to women whose citizenship or belong-Downloaded by [University of California, San Diego] at 22:47 15 January 2017

ingness may already be rendered suspect by their involvement in sex work.

Although sex work laws and regulation in Melbourne and Vancouver appear

to be easily distinguishable, i.e. legalised in Melbourne and criminalised in Vancouver, gradations of legalisation and criminalisation do exist in both cities.

Melbourne's licensing framework creates a two- tiered industry, with a legal sector (licensed brothels and agencies) and an illegal sector (street-based sex

 work, unlicensed brothels, private incall work). Hence, there may be some workers in Melbourne that operate in a criminalised context more akin to workers in the quasi- illegal Vancouver context than workers in Melbourne's legal sex work industry. Interviewees from Melbourne worked in brothels, escort agencies, street-based work, stripping, peep shows and independent escorting (incall and outcall); however, most interviewees worked in Melbourne's licensed brothels. Although a range of experiences with legality and illegality were explored, this chapter largely focuses on workers' experiences within Melbourne's licensed brothels, given that these environments represent one

of the few settings globally where dimensions of 'being legal' or legality in sex work can be explored.

Women interviewed in Vancouver also worked in diverse settings, including massage shops, escort agencies, independent outcall and incall escort work and street- based work. However, workers' experiences of illegality in massage shops are highlighted in this chapter, given the unique and contradictory regulatory frameworks governing sex work in Vancouver. The City of Vancouver and surrounding cities and municipalities often have some form of licensing for businesses that do not acknowledge or explicitly permit the purchase and sale of sex, but still outline extensive regulations regarding signage, hours of operation, staff dress codes, architectural features (lighting), etc. These businesses largely operate as licensed shopfront businesses at the city or municipal level, although the explicit nature of their services may be kept deliberately ambiguous given Canada's federal criminal laws around sex work, in which selling sex is not illegal but activities associated with it are.1 In December 2013, the Supreme Court of Canada struck down three anti-prostitution laws for violating sex workers' constitutional rights and endangering their safety: these included prohibitions against solicitation, keeping a 'bawdy- house' or working from a regular workplace, and living off the avails of prostitution.2 On 6 December 2014, the federal government passed the controversial Bill C- 36 or the Protection of Communities and Exploited Persons Act,3 which reinstated new versions of the previous laws struck down by the Supreme Court and introduced the criminalisation of sex workers' clients. This was despite strong concerns from a diverse range of stakeholders (including sex worker organisations, professional associations, legal associations, rights- based organisations and city governments) about drafting a new bill without consultation from the Supreme Court of Canada to assess its constitutionality.4 Interviews in Vancouver were conducted in 2013, prior to the Supreme Court decision and the passage of the Protection of Communities and Exploited Persons Act. Therefore, the legal context interviewees discuss refers to the previous Sections 210–213 of the Canadian Crimi-Downloaded by [University of California, San Diego] at 22:47 15 January 2017

nal Code. However, it should be noted that the new legislation continues to similarly criminalise sex workers (e.g. bans against advertising), although the specific text of the law differs . In summary, the legal context in Canada continues to centre criminalisation as the main form of governance for sex work. As this chapter examines the impact of contrasting laws and regulation on workers'

experiences, each site will be examined separately.

Using legality

Melbourne's licensed brothels constitute a sizable portion of the city's legalised sex work sector and offer a globally unique site to explore the day- to-day experiences of 'being legal' in the sex industry. The opportunity to work legally as sex workers is afforded to far fewer sex workers in Vancouver and in numerous other countries, given the criminalisation of sex work in many countries. 'Being legal' may not be representative of most sex workers' experiences, but it is one that needs to be better understood as sex workers and allies advocate for legal frameworks other than criminalisation. Melbourne's licensed brothels provide a glimpse into a working environment that is often imagined and advocated for to varying degrees,5 but one that is not well understood at an experiential or day- today level. Conceptually and practically, it is easy to imagine how legality may enable sex workers to exercise their rights. However, understanding the risks and benefits of legality can be enriched through an intersectional analysis of what legality affords to different groups of workers in licensed brothels, the links between professional identities and legal status as workers and migrants, and how different groups of workers utilise their legal status. The discussion below examines each of these in turn.

Producing knowledge: how to treat a sex worker

Knowledge of the law was perceived to better equip sex workers in Melbourne's licensed brothels. By contrast, knowledge of the laws governing sex work in Vancouver is less feasible, given the contradictions

between federal laws criminalising sex work and city/municipal laws regulating licensed businesses. Most interviewees in Vancouver assumed their work was illegal to varying degrees and offered varying definitions of what they understood to be illegal (even when it may not have been).

In Melbourne, knowledge of the law was perceived to produce better clients and shape desirable client behaviour. Clients who understood and abided by the law were perceived to treat sex workers more respectfully, as 'Annie' and

'Amanda' explain:

We like to [do] good work with customer who be safe and not push you know. They must do thing with only condom, no just asking for free, for

easy. Yeah we don't like that. And here [customers are usually] like Aussie, that understand the law.

('Annie', permanent resident, Asian, Melbourne,

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licensed brothel worker)

Because in Australia, brothel is a legal business, right. So, customer always follow the rules because it's legal. . . . People try to behave themselves. If it's illegal, like, it's a massage shop—they do illegal service. Then would be more weird or sneaky people come in. But because they got camera here,

('Amanda', international student, Asian, Melbourne,

licensed brothel worker)

An interesting example of the relationship between client behaviour and the law is workers' interpretation and use of Victorian laws that prohibit sex slavery. By law, all licensed brothels are required to prominently display signs about sexual

slavery6 in a number of different languages (Chinese, Korean, Russian, Thai).

Signs were prominently displayed in reception areas and work rooms (i.e. bed-rooms) of all brothels visited, and informed workers that:

You may be a victim of sexual slavery if:

• you were lied to or tricked into sex work

• you don't get paid for doing sex work

• someone else controls your money or passport

• you owe money to someone who forces you to do sex work.

Sex slavery has often been positioned as a human trafficking issue, and both concepts have been critiqued by sex workers, researchers and allies for misrepresenting the lived realities of sex work (e.g. Segrave, Milivojevic & Pickering, 2009). Rather than a trafficking issue, interviewees reframed sex slavery as a workers' rights issue in their day-to-day work. Workers weren't specifically asked about sex slavery in interviews and no women reported any of the above scenarios. However, a few workers used these posters to challenge aggressive or argumentative clients. These posters list payment and deception indicators rather than specific references to force or coercion, but it was interesting to note how sex workers shifted the definition of sex slavery in order to use these posters as leverage with clients, by stressing the illegality of forcing workers to provide services workers did not want to provide. 'Annie' and 'Amanda' refer to this when discussing strategies to deal with troublesome clients:

I point to the paper [posters in rooms about the law], you can't push lady, if you push lady, ok, you know, you get the trouble by the law.

('Annie', permanent resident, Asian, Melbourne,

licensed brothel worker)

Well, if they're really bad, we have to refuse them, we have to. If we can't do the job, just tell them but like, no one would push you because it's illegal in Downloaded by [University of California, San Diego] at 22:47 15 January 2017

Australia. Like if I don't want you, like you can't push me, can't force me.

('Amanda', international student, Asian, Melbourne,

licensed brothel worker)

While sex slavery is often used as an identity category in public discourses (i.e.

one is a sex slave or is not), brothel workers reframed sex slavery as an action

that could affect workers in both the legal and illegal sector, and in specific encounters with some clients but not others. Anti- trafficking, immigration and sex work discourses in Western countries still tend to construct immigrant, migrant and racialised sex workers (particularly Asian workers) as less empowered and more vulnerable (e.g. Bungay, Halpin, Halpin, Johnston & Patrick, 2012; Szechtman, 2012). There also remains a risk that clients may seek to exploit workers who fit this public stereotype. In this racialised context, highly visible information about the laws against sex slavery may be a tool available to immigrant, migrant or racialised workers to challenge or educate potentially abusive clients7 that might otherwise rely on public stereotypes of passive non-White/non-Western workers. That workers are able to shift and utilise the concept of

sex slavery to resist client assumptions of docile workers, even as sex slavery discourses have been criticised for fuelling those same stereotypes, speaks to women's complex and creative exercise of agency in the workplace.

Sex work laws are not only perceived to provide instruction for clients on how to engage with workers. The following section illustrates how laws also equip workers with 'legal' identities to ensure desired law enforcement outcomes.

Producing identities: the law- abiding sex worker

An important finding that emerged was the use of status as legal sex workers as a form of social capital or leverage by immigrant, migrant and racialised workers in Melbourne's licensed brothels. Victoria's specific legalisation of the sex industry, operationalised through a business licensing framework, has been the subject of some critique for three key reasons. First, it creates a two- tiered industry affording protections only to women in licensed establishments (compared to, for example, street-based sex work, private incall work) (Maher, Pickering & Gerard, 2012; Ham & Gerard, 2014). Second, the regulatory framework that governs the licensed industry has been described as excessively administrative and cumbersome, creating an unequal balance between administrative requirements and benefits for workers (Maher et al. , 2012; Ham & Gerard, 2014).

Third, mandatory STI testing policies, required under Victoria's legalisation framework, have been criticised as a discriminatory practice by numerous researchers and international health bodies (e.g. Jeffreys, Fawkes & Stardust, 2012; TAMPEP, 2009; Monet, 2004; Godwin, 2012).

Research findings do not contradict these arguments but they do demonstrate that regulation can intersect with social difference and produce diverse experiences for different groups of workers. In this study, working in a licensed brothel allowed women to claim an identity as a law-abiding worker who was entitled to *Downloaded by [University of California, San Diego] at 22:47 15 January 2017*

protection by law enforcement. The utilisation of legality by immigrant, migrant and racialised sex workers in their day- to-day encounters is intriguing but perhaps not unexpected, if we consider the broader public and policy assumptions about non- White and/or non- Western sex workers. As discussed in the

previous chapter, immigrant, migrant and racialised sex workers can find their identities as citizens, permanent residents or documented migrants repeatedly

106 Using legalities and illegalities in sex work questioned or disbelieved by law enforcement, immigration authorities and anti-trafficking organisations. Interviewees reported surveillance and monitoring of licensed brothels, particularly Asian workplaces, through visits from law enforcement, immigration, council, health organisations and anti-prostitution organisations. Almost half (n = 13) of the 30 workers in 11 licensed brothels reported visits from immigration authorities in the workplace, although not all were present when immigration authorities visited. It may be that working in a licensed brothel permits a form of social capital that is often denied to immigrant, migrant and racialised workers in a socio- political context that continues to undermine or suspect their lawfulness. There were a few key dimensions to workers' use and experience of legality, as summarised below:

Even though we are working like this [as sex workers], we're not doing anything against the law, it's legal to do this work. So we are actually have the upper hand over the customer or the clients. If they do something wrong, we can use the law to help us.

('Amanda', international student, Asian, Melbourne,

licensed brothel worker)

In Melbourne's licensed brothels, legality: (1) legitimised workers' right to work in the sector, (2) meant that the law could be utilised as a resource, and (3) changed power dynamics between workers and their clients, and with law enforcement.

Workers attributed law enforcement's demeanour of general respect and civility towards sex workers as directly related to their workplace's status as a licensed establishment. Working in a licensed brothel ensured that police would be more likely to attend to workers' safety in a respectful manner. There was a clear contrast in the findings here between Vancouver and Melbourne. Working in a licensed establishment permitted workers in Melbourne protection by law enforcement, as compared to quasi-il/legalised establishments in Vancouver where workers more often expressed the need to be protected from law enforcement (as will be dis-

cussed in the following section on 'intuiting illegality'):

They [the police] pretty much understand this business, I think . . . they've been here time to time, and they just come here and normally just [be]cause customer make the trouble. If we make the trouble, customer normally, they don't want to call the police or things like that. . . . So normally they come here, just do what they do, you know, keep [take down] the boss ID

[details], and things like ask customer to leave.

('Ruby', permanent resident, Asian, Melbourne,

licensed brothel worker)

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And police sometimes . . . they ask missing person or something or, you know, like a criminal person, show us the picture and beware this person and you know, something like that.

('Cici', permanent resident, Asian, Melbourne,

licensed brothel worker)

Although workers in Melbourne reported feeling comfortable contacting the police in threatening situations, four workers felt that police responses, while generally civil, were indifferent or expressed disappointment at the range of options provided in cases of violence. These workers critiqued law enforcement approaches that appeared to prioritise defusing a charged situation over holding clients accountable for abusive behaviour, for example:

[Law enforcement approach in Brisbane is to] protect the girls, make comfortable in your mind, calm down . . . ask the girl first, what's the problem. . . .

Feels like more protect you, more protect the girls, more protect the sex worker. But in Melbourne if we call the police, I don't know, just no good.

They sometimes, they not really, you know, care about the girls. They just want to finish this issue first, quickly and they want to go.

('Cici', permanent resident, Asian, Melbourne,

licensed brothel worker)

Although legal and social protection is afforded to sex workers operating in legalised and decriminalised contexts (as the following quote demonstrates), comments by workers suggest that it can still be challenging to have concerns addressed by law enforcement. 'Ava', an independent worker who had worked in both Melbourne and Sydney, described a threatening client for which she had sought assistance from law enforcement in Sydney (where indoor sex work is decriminalised).

She refused to see the client referred to in the following quote. In response, he caused a great disturbance outside her apartment, including an extremely disruptive tantrum and masturbating outside her apartment. 'Ava' reported these incidents to law enforcement but found little assistance:

[T]hey don't do too much really, in reality. They said 'oh, we can, you can report, you can make a report'. And even when I wanted to make a report, they were like 'oh, there's nothing we can do, what do you want to do'. They were like 'did he physically assault you?', 'no, he didn't physically assault me but . . .'. And then they just, yeah they were very reluctant. And I was like 'can you please just make a phone call to him so he will never call me again'. And they were like, 'oh, what if he doesn't pick up?' I was like, what?

('Ava', permanent resident, Asian, Melbourne,

independent worker)

The benefits of legality and the perceived risks of the unlicensed sector may explain why less movement between the legal (or licensed) and illegal (or unli-Downloaded by [University of California, San Diego] at 22:47 15 January 2017

censed) sector was reported in this study than has been reported elsewhere (Maher et al. , 2012; Vega, 2012). Interviewees spoke about mobility between Australian states and/or between brothels within the legal sector,

but only two of the 30 interviewees in Melbourne talked about moving between the licensed sector and the unlicensed sector (e.g. private incall work), or providing unregulated 'extra' services in the regulated sector.

108 Using legalities and illegalities in sex work Extras are completely between the client and me, I don't talk about it with the agency.

('Sam', naturalised citizen, South Asian, Melbourne, various sectors)

Due to the licensing framework in Melbourne, the benefits of legality and the capacity to use regulation are only afforded to those working in the licensed sector. The following section considers how sex workers utilised or chose particular regulatory contexts to strengthen their safety and mobility.

Using regulation: safety and mobility

Licensed brothels provided an environment where workers could use the law as leverage with clients and where sex workers could take on law enforcement roles themselves. Interviewees informed clients that they could readily call on law enforcement if clients were abusive, troublesome or breaching brothel rules (e.g.

attempts at non- payment, audio- or video- recording the session). More sex workers in Melbourne reported comfort and familiarity with calling the police than sex workers in Vancouver. Ten of the 30 sex workers (33.3%) interviewed in Melbourne spoke about calling law enforcement if confronted with abusive clients.

Only three out of 35 (8.6%) women in Vancouver reported that they would call law enforcement, with two of the three qualifying this with the need to seriously weigh the severity of the situation against possible punitive consequences of calling law enforcement. Twelve of the 35 (34.3%) sex workers in Vancouver reported or anticipated punitive consequences from law enforcement, whereas two (6.7%) of the interviewees in Melbourne reported punitive or discriminatory treatment from law enforcement. In Melbourne's licensed brothels, calling law enforcement was a much more routine response in situations involving violence against workers, staff or

property; clients breaking workplace rules (e.g. taking photos, non-payment); or in cases of unprotected sex (e.g. accidental condom breakage, documenting details for STI tracing), as the following quotes indicate:

But here, just like yesterday, police come very quickly, yeah. Yeah, yesterday have customer, took off condom, [happened to] one girl.

('Nicole', Asian, Melbourne, licensed brothel worker)

Normally 20 minutes booking doesn't include massage because it's a short time booking. . . . So then I think that man want massage and that Korean girl said no, no massage for 20 minutes, make that guy angry, that guy hit her in the room. So that girl was screaming, and there was shouting and they Downloaded by [University of California, San Diego] at 22:47 15 January 2017

call the police, came over.

('Amanda', international student, Asian, Melbourne,

licensed brothel worker)

In addition to the experiences of 'Nicole' and 'Amanda', 'Ava' relates an incident that occurred when she was working in Sydney, which also illustrates the

strategies available to sex workers in a decriminalised environment (as in New South Wales):

One [client] was kind of threatening me, saying that if you work, that is illegal—which is not, in New South Wales . . . as long as you're in the right area, it's actually not illegal to work as an incall. And he threatened me . . .

because I refused to see him—[he was] saying 'if you're not going to see me, I'm going to report you', something like that. So I saw a legal aid

lawyer—that was the first incident. And I of course sent him a letter saying that you're blackmailing me. If you send me an email one more time, I'm going to report you to the police for blackmailing and I'm doing everything legal.

('Ava', permanent resident, Asian, Melbourne, independent worker)

As previously mentioned, sex workers who do not work within the licensing framework (e.g. street- based sex work, private incall work, unlicensed businesses) are not able to access the same legal protections and risk criminal penalties if they come to the attention of law enforcement personnel. As 'Ava'

explains below, sex workers who work privately and provide incall services need to consider a range of legal consequences, given the criminalisation of this type of sex work in Victoria:

I've heard, like, couple girls getting caught, just because they're advertising and that sort of stuff. Or other girls dobbing on them. . . . But at the same time, if you do it, if you're not lucky, you can get caught. And I think the fine is like five thousand dollars. . . . And then of course, you get second time, you get in more trouble. And of course that might be on your record.

('Ava', permanent resident, Asian, Melbourne, independent worker)

Discussions about legality overwhelmingly concerned the use of law enforcement to strengthen safety in the workplace. However, workers' comments about Victoria's administrative framework offer insight into the links between administrative regulation and workers' economic mobility. Victoria's extensive administrative framework oversees licensing, occupational health and safety standards and workplace requirements, to name a few examples.8 The links between administrative regulation and economic mobility were perhaps best highlighted by three women who had worked in both Melbourne and Sydney. The extensive administrative framework in Victoria contrasts with the decriminalised sex work sector in New South Wales, which does not employ a business licensing framework and does not create a two- tiered industry to the same extent as Victoria.9

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Decriminalisation does not necessarily mean deregulation, and these workers felt that informal regulation of industry practices was driven more by business owners' commercial interests in Sydney, compared to Melbourne. Although the small number of workers with experience in both Sydney and Melbourne prevents any conclusive arguments, workers' comments suggest that the institutionalisation of business norms and industry practices determined by owners'

110 Using legalities and illegalities in sex work interests (as opposed to workers' interests) remains a concern in decriminalised contexts, for example:

If you work for two parlours [in Victoria], management cannot say anything to you, that's actual law. But in all the New South Wales parlours, they actually give you this contract, which I don't think they can give you legally. But they give you contract, say if you work for another parlour, you'll get kicked out. And then you have to sign to work there.

('Ava', permanent resident, Asian, Melbourne,

independent worker)

Regulation of the sex work sector in Melbourne, although extensively administrative, was at least perceived to shape the sex industry more towards the interests of sex workers, rather than owners or clients. This was echoed by 'Gigi' and 'Ava': Melbourne very different, the law in the Melbourne around the shop

[brothel] like this very strong. Police catch you easy. And Sydney, some shop, they don't buy condom, anything for the girl. But in here, the law must have everything for the girl.

('Gigi', naturalised citizen, Asian, Melbourne,

licensed brothel worker)

[I]t's just like whole culture is settled on what girls want rather than what clients want. So if the girls want to refuse a client, they can say 'F you, I'm going to refuse you as a client'. And the management doesn't do anything about it. And as far as service goes, it's the same. Girls doesn't have to go all the way. . . . They can just offer, like, no kissing, no touching and that sort of stuff, and management will still be fine with that.

('Ava', permanent resident, Asian, Melbourne,

independent worker)

Sex workers appreciated elements of Victoria's regulatory framework that mirrored their own ideas of optimal business practices. For example, one worker appreciated the limitation on the number of rooms a brothel was permitted to

have,10 as she felt this resulted in a more equitable distribution of business or clients. She contrasted this to Sydney, where unregulated worker–client ratios made earning more challenging.

I heard sometime, like Friday, Saturday night, Sydney shop, [for example]

one shop, more than 20 girls working. And then only six or seven rooms,

how can make money? Here, this shop [in Melbourne], six rooms but only,

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sometime six girls, seven girls. So everyone make money.

('Adele', international student, Japanese, Melbourne,

licensed brothel worker)

Workers' judgements on the value or burden of laws and regulation depend on how effectively regulation enables preferred business practices or obstructs questionable

business practices. For Melbourne interviewees, issues of legality are largely determined by where one works (e.g. licensed brothel versus private apartment or street) rather than what one does or who one is (e.g. migrant, citizen). However, workplace status still enabled women to exercise an identity as a law- abiding worker entitled to social protection by law enforcement. Moreover, the legal status of one's workplace allowed the strategic use of the law as a resource to shape safer interactions with clients. While the law was largely perceived to be a resource or form of social capital for immigrant, migrant and racialised workers in Melbourne's licensed

brothels, the inverse was found in Vancouver, as discussed in the following section.

Intuiting illegality

You don't want to have that law that's going against the girl. And that's, you know, condoning the, the criminal who do the harm to the girl.

('Jade', international student, Asian, Vancouver,

massage shop worker)

The quote above illustrates two key consequences of illegality in Vancouver's sex work sector. First, the federal criminal laws related to prostitution in

Canada11 impede women's ability to work safely and effectively. Second, abusive clients are able to use these laws to exercise power over sex workers.

This is in sharp contrast to workers in Melbourne's licensed brothels, who were more likely to use the law to insist on safe and ethical behaviour from clients.

As previously mentioned, Vancouver's massage shops offer a valuable site to examine the contradictions resulting from federal laws that criminalise prostitution- related activities and city/municipal licensing laws that regulate businesses that may provide sexual services. This range of legalities and illegalities reveal important distinctions between regulation and enforcement. As discussed in this section, judgements of what was illegal in sex work were often tenuously linked to actual law, but much more informed by what workers believed would trigger unwanted law enforcement responses. Defining, identifying and negotiating 'illegality' reveals law and regulation to be a much more discretionary and relational exercise. Workers perceived the challenges of law enforcement to be firmly situated with personnel (i.e. police officers, immigration officers) attitudes, discretionary enforcement and interpretation of the law.

Therefore, avoiding 'illegality' or the consequences of illegality relied heavily on social inclusion, social acceptance and conformity.

Producing knowledge: how to talk about sex work

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Working in a quasi- illegal/quasi- legal context, such as Vancouver, requires workers to develop knowledge about law enforcement rather than knowledge about the law itself. Sex workers and businesses in Vancouver have to negotiate federal laws that prohibit sex work- related activities (although not sex work itself) and local municipal regulations that resemble a legalised licensing

112 Using legalities and illegalities in sex work framework. In Vancouver, there remains a strong sense that the sector is illegal, but there was far less knowledge of what was actually defined as illegal or legal under federal criminal law. Ten of the 35 (28.6%) workers interviewed in Vancouver specifically stated that they did not know what the laws were, compared to only two workers who stated knowing what the laws were.

When asked about the laws that sex workers needed to be mindful of, interviewees typically paused, appeared struck by the question, and stated

they were not sure. Workers in Vancouver were also unsure of what sex work laws and regulation meant for other legal responsibilities such as paying taxes. One woman spoke about not paying taxes for several years because of her worry that disclosing her occupation on her tax return would result in her child being apprehended by child protection services. Another worker, 'Bella', worried that involvement in sex work would threaten her application for Canadian citizenship and waited until she had obtained her citizenship before applying for a job in the sex work sector:

I was doing like minimum wage job [when I was new to Canada], but then

I was scared that [if I went into sex work], what if the police caught me. I wasn't aware of the law, and then . . . I'm going to lose my working permit.

Then I got residence, then I'm going to lose my resident [permanent residency]. Then citizen[ship], even though I have a citizenship, Canadian passport, it could be taken, revoked—that's what I think, like, no?

('Bella', naturalised citizen, Latin American, Vancouver,

massage shop worker)

In contrast to workers in Melbourne, knowledge of the law was not perceived to equip sex workers in Vancouver. Developing a productive knowledge of the law was also perceived to be far less feasible for workers in Vancouver, as women tried to determine what the laws actually meant in practice. The contradictory and hypocritical nature of Canada criminal laws around sex work prior to (and since) 6 December 2014 required workers to expend considerable effort determining what is meant by terms in the anti- prostitution laws, such as 'solicitation' and 'prostitution'. For example, six women correctly identified solicitation as an illegal activity, but were confused whether solicitation referred to selling sex or selling sex in public view. The below excerpt provides a sharp example of how the laws are a confusing terrain for sex workers, even for those who have extensively researched the industry.

'Lara' spoke at length about how she had educated herself about the industry and her continuing professional development. This involved

researching other Downloaded by [University of California, San Diego] at 22:47 15 January 2017

workers' websites and reviewing their etiquette guidelines;12 contacting other workers; engaging in online communities; and writing about feminism and social justice issues on a personal blog (separate from her work identity).

However, determining what was and was not included in the law remained a challenge. This was evident in the following exchange between 'Lara' and me during the research interview:

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'LARA': So like I don't post on my website, 'I do handjobs', I'm not sure about the legality of it . . . but I don't think I'm even in the wrong, law-wise. I just do it in case.

JuLIE: . . . having sex for money is not illegal.

'LARA': Oh, I thought it was, like, you could pay for companionship but not for sex itself. That's what I was under the impression of. . . . So I can say that I do handjobs on my website and that's not—

JuLIE: You could, well, it's, I mean, according to the federal law, that wouldn't be . . . you wouldn't be breaking any laws. But then in the criminal code, it's like if you talk about it, then that's solicitation and then that'll get you in trouble. So I don't know how—

'LARA': What if I phrase it and say 'upon re- ', no, 'upon request'.

JuLIE: But then, I mean, I have come across workers' websites that say I do handjobs but nothing else . . .

'LARA': 'Cause handjobs are not penetration. . . . So they're not considered sex.

Whereas oral sex is considered sex, anal sex is sex, so it's like, maybe they have that distinction. 'Cause it could be part of massage . . . I could just

maybe say part of the massage is massaging your penis or something or say

'for therapeutic reasons' (laughs). . . . But it's good to know that sex for money is not illegal itself.

The limited connections between the law and enforcement of the law was an underlying theme in many interviews, as the contrast between workers' limited knowledge of the law and their evolving and negotiated knowledge of law enforcement behaviour reveals. Federal sex work laws may have limited relevance for workers' own practices, but a couple of workers' comments suggested that knowledge of the law may also enable workers to assess law enforcement more critically. As 'Farah' explains:

To be honest, it's quite weird. I used to be so scared when I was younger of being caught by the police or in a brothel. Actually, now I don't care at all. I would actually be happy if a police came to me . . . I know it sounds crazy, but maybe it's because I studied laws and how they are, you know. So I would feel like, ok, arrest me, you know, please do this, it will give me a lot of fuel to what I write later.

('Farah', Canadian- born citizen, Asian/European, Vancouver,

independent worker)

On a day- to-day basis, negotiating illegality involved anticipating or trying to Downloaded by [University of California, San Diego] at 22:47 15 January 2017

'intuit' what events might trigger punitive responses by law enforcement and other regulatory bodies (even if the triggering event was legally permitted). One strategy to prevent this involved using a sector- specific vocabulary. As 'Bella'

notes, the language used to refer to sex work can have criminal consequences in Canada, as she details how another worker was criminalised for using the incorrect language to refer to her work:

114 Using legalities and illegalities in sex work This girl got busted—the police and the city [by- law officers]—they used

[hotel], a very nice hotel in [Edmonton]. And they call all this call girls. So she show up for the appointment and she pay for her license, ok. . . . So the guy ask her 'I'm gonna pay you 300 dollars, what are you gonna to do with this 300

dollars?' And she said 'I'm going to give you a massage'. 'So, for 300 dollars, you're going to give a massage?' 'Yes'. And then a woman came out from the washroom and she told them 'I don't do couples'. And they're like 'no, this is the police'. And then the City person, and she's like 'eh, I know you, I just paid my license, what is this?' And she said 'well, you said the word massage.

You were to use the word body rub because you're not licensed massage'. So she have to pay this fine. I think it was 500 or a thousand dollars. Are you kidding me? And then she said that, if she didn't pay this fine, then it goes into criminal. And then it's in your criminal record.

('Bella', naturalised citizen, Latin American, Vancouver,

massage shop worker)

One Canadian sex worker, the only interviewee who had worked in both Canada and Australia, identified language as one of the key differences between the two regulatory contexts. In Sydney, she appreciated what was not available in Canada: the opportunity to talk frankly about her services and rates, resulting in less time wasted and less confusion with clients:

What I liked about Australia when I worked there is that there was no, kind of, uncertainty about what you provide and what you don't provide. So that was a nice thing when you can actually talk to the client and say meet them and say what you're comfortable with.

('Farah', Canadian- born citizen, Asian/European, Vancouver,

independent escort)

Issues of English- language fluency often arise in public discussions about immigrant and migrant sex workers but discussions with workers suggest that it is a sector- specific English vocabulary that is required to work without unwanted interference from law enforcement. Specifically, the ability to talk about sex work without explicitly referring to sex work. A quarter of the participants (n = 9) demonstrated or discussed euphemisms used as industry terms for payment and services. Online advertising commonly referred to rates and prices as 'donations' or 'honoraria'. In massage shops, workers spoke about 'tips', as

'Ella' and 'Farah' explain:

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Basically I think it's on how you ask. Like there's codes, like 'donations', how much are your 'donations'. And it's like, you know, you don't say 'do you want to do, you know, service now', you just say 'is there anything else you'd like', right. And it's all ok, I think.

('Ella', naturalised citizen, Asian, Vancouver,

massage shop worker)

So when I talk to clients, I obviously do not [answer clients if they] say 'do you do this?'. I say 'sorry, we can't discuss these terms', you know, I use kind of the acronyms, like FS for full service.

('Farah', Canadian- born citizen, Asian/European, Vancouver,

independent worker)

This language is specifically used to avoid interference from law enforcement.

Another discursive strategy involved shifting working relationships with clients into the sphere of private sexual encounters and downplaying the

commercial aspect of their work, for example:

But I mean if I was in danger . . . I'd be open to calling cops and facing whatever they try to tell me. 'Cause I could just say 'this is my kinky shit, me and my boyfriend like to get down, problem? 50 Shades of Grey was a

great book'. It wasn't but (laughs).

('Lara', naturalised citizen, European, Vancouver,

independent worker)

You don't really call it rates, you kind of call it donation, honoraria, gifts, roses, whole different things, but then not put the dollar sign. So that and then a lot of girls will put up a little thing saying 'the donation is for my time, and time only. Anything that happens during that time is between two consenting adults'. So that keeps you safe.

('Anita', international student, South Asian, Vancouver,

independent worker)

As demonstrated by the quote above, workers also reframed their work in terms of time and emphasised consent to move away from 'illegality'. In addition to a sector- specific vocabulary, avoiding punitive law enforcement responses required the maintenance of socially acceptable and normative identities, which is discussed next.

Producing identities: quiet, 'normal' neighbours

Social inclusion and 'fitting in' was also crucial to protecting sex workers from law enforcement. Seven women in Vancouver (20%) stressed keeping a low or quiet (but not 'underground') profile. They defined this as not sticking out or being visible in a way that would make others uncomfortable, keeping quiet, being a good neighbour or citizen, and generally not being someone anyone Downloaded by [University of California, San Diego] at 22:47 15 January 2017

would have any complaints about.

I know that as long as I don't cause problem with neighbours, I treat them with respect, do 'what makes sense', it's not just law—also about not booking too early or too late, having general respect for my neighbours . . .

being appropriate inside and outside . . . I don't read the laws, I just keep

116 Using legalities and illegalities in sex work quiet or discreet. No one could complain what I do, but if they do, then I change what they're asking for, or move on, find another place.

('Ellie', naturalised citizen, Eastern European, Vancouver,

independent worker)

For four of the 10 private, independent workers interviewed in Vancouver, staying 'under the radar' also meant monitoring the perceived impact of their presence on their neighbours and taking care to appear 'ordinary'. In part, this was due to working in residential areas where property/strata rules prohibited any home- based businesses, but avoiding social consequences such as stigma and legal consequences such as arrest were also an important concern.

Like for me, I probably [do] not want to live in a building that has a concierge—because they keep an eye on things, even if it's a big building . . . if somebody's unhappy, there's somebody to, like, inform, 'ok, this is going on the [#] floor, in this apartment'. But for example, if somebody were to be leaving from my building, the best they could probably do is knock on my neighbour's door . . . [but] I can always say 'oh, he's a pissed- off ex'.

('Anita', international student, South Asian, Vancouver,

independent worker)

Women's perceptions and experiences demonstrate the intersections between race, ethnicity and social inclusion. Women's reasons for choosing a particular establishment included assessing the likelihood of law enforcement scrutiny, although opinions varied as to the ideal (i.e. no

legal interference) type of establishment. For 'Coco', not 'sticking out' meant choosing less well- known businesses. She chose the Asian massage shop she worked in by explaining "I prefer quieter place". She doubted law enforcement would check her relatively low-profile workplace in a less affluent neighbourhood, where "nobody care about you, it's more safe". On the other hand, 'Jade' chose a long- established and well- known Western (i.e. non- Asian) business in an affluent neighbourhood to achieve a similar objective.

[My workplace has] been there for long time . . . that's also one of the reasons I choose to work with them because I know that, you know, if any-where I [would] get into the legal trouble, that would be the last place.

('Jade', international student, Asian, Vancouver, massage shop worker)

Women's social inclusion strategies reflect the regulatory context to a certain Downloaded by [University of California, San Diego] at 22:47 15 January 2017

extent. Law enforcement of sex work is discretionary, and local sex worker support organisations have attempted to determine what drives law enforcement at certain times. Anecdotally, SWAN has noted that anti-trafficking hype, ethnic profiling and community complaints have appeared to drive law enforcement efforts towards Asian women in the sex work sector in particular. The amount of resources channelled into anti-trafficking efforts may incentivise law enforcement to be seen

'doing something' about trafficking. In this context, punitive approaches towards immigrant, migrant and racialised sex workers may act as a convenient facsimile of 'stopping trafficking' even if no trafficking or exploitation is reported. Anti-trafficking hype and ethnic profiling are larger, systemic issues but preventing community complaints13 may remain one area where workers feel they have some influence, by taking care to 'fit in'.

I just know we have to keep it discreet. And I have been asked by clients,

'cause they'll be like 'is this ok? We have to lock the doors. Will cops bust into this?' And I was just like 'we were discreet about it and I honestly don't know'. Because I mean it confuses me because, if someone really did want to do a bust, it's actually quite easy. I mean, in the [media], there's a whole section where it's like erotic services or something . . . I mean if you did a search- up on Google or the net, it's quite easy to find. So that's why if someone did want to do a crackdown . . . it's just right in their hands.

('Dana', Canadian- born, Asian, Vancouver, massage spa worker)

Discretionary law enforcement can help some sex workers operate without interference, but women still have to operate in a sector where their safety and survival depend on the good graces of law enforcement personnel. This results in a precarious situation that reinforces the power of individual officers to interpret who the law will apply to. Discretionary law enforcement has troubling ramifications for immigrant, migrant and racialised women in sex work, as the lure of anti- trafficking resources may turn immigrant, migrant and racialised sex workers into a political resource to enhance law enforcement's visibility or advancement. Given the public association between racialised women's sexuality (particularly Asian women) and illicit commercial sex (Kang, 2013), this can be a particular challenge for immigrant, migrant and racialised women who might find themselves considered suspect or 'different' for a number of reasons.

This may also partly explain women's emphasis on their familial, community

and citizenship responsibilities in Chapter 5.

Consequences: discretionary interference

While sex workers in Melbourne's licensed brothels reported feeling comfortable with law enforcement personnel, 16 or almost half (45.7%) of the sex workers interviewed in Vancouver were more concerned about protecting themselves from law enforcement interference, surveillance and punishment. Women discussed the consequences of criminalisation, such

as being charged with Downloaded by [University of California, San Diego] at 22:47 15 January 2017

prostitution- related offences, being arrested or having their workplace shut down. Sex workers and other industry staff insisted that they attempted to follow local municipality by- laws as best they could, regarding licensing, signage, hours of operation, dress codes, etc., but felt that law enforcement remained selective and punitive. Selective or discretionary law enforcement occurs differently across cities in the Greater Vancouver area (e.g. Vancouver, Richmond, Surrey,

118 Using legalities and illegalities in sex work Burnaby, New Westminster) for a number of reasons that are speculated on, not only by sex workers but also by sex worker support organisations. For example, one sex worker speculated that lower levels of enforcement in the City of Vancouver (compared to neighbouring municipalities) were due to the City's higher profile as a tourist destination and tacit acceptance of any businesses that might attract tourists.

The presence of different law enforcement bodies may also play a role. The City of Vancouver is policed by the Vancouver Police Department (VPD), which is a distinct entity from the Royal Canadian Mounted Police (RCMP) whose mandate covers the surrounding municipalities in the Greater Vancouver area.

Of the 16 sex workers in Vancouver concerned about punitive law enforcement responses, three explained that law enforcement personnel outside the City of Vancouver (e.g. RCMP in neighbouring municipalities Burnaby and Richmond) tended to be more punitive, explaining that they had observed law enforcement

"just open door, go in room, very mean", intruding on work sessions and forcing workers apart from customers. 'Lisa', an Asian naturalised citizen, explained that law enforcement approaches varied, depending on the presence or absence of clients on premises. If clients were not on premises, law enforcement personnel were more likely to just check workers' identification without further questioning or intrusion.

Although the above comments prevent any conclusive statements about law

enforcement discretion,14 these observations do reflect differences in law enforcement policy and mirror the experiences of SWAN, the only community organisation that works specifically with immigrant, migrant and racialised sex workers in Vancouver. SWAN has noted anecdotal differences in the frequency of intrusive law enforcement encounters, based on sex workers' informal reports during monthly outreach visits to 50–60 massage shops and agencies since

2012,15 with noticeably more complaints about the RCMP than the VPD. These differences are also evident in law enforcement policy. In January 2013, the VPD adopted Sex Work Enforcement Guidelines, which were developed with the assistance of sex worker support organisations and stated "sex work involving consenting adults is not an enforcement priority for the VPD" (p. 4). The Guidelines were welcomed as a more respectful approach to sex workers,16 although it appears that the dissemination of the Guidelines to sex workers and among law enforcement officers still remains extremely limited. During my visits to 59 businesses between August and December 2013, no workers reported having heard of the VPD Guidelines and were sceptical that the Guidelines would result in a better relationship between workers and law enforcement. Reports to SWAN of questionable law enforcement actions from sex workers and businesses since the Downloaded by [University of California, San Diego] at 22:47 15 January 2017

adoption of the Guidelines suggest that although the VPD is reported to be less intrusive than the RCMP, there are still challenges in operationalising a respectful approach to sex workers and disseminating awareness of the Guidelines within the VPD.17 It also remains to be seen whether policies like the VPD's Sex Work Enforcement Guidelines will benefit immigrant, migrant and racialised sex workers. The laws and regulation governing sex work in Vancouver produce a

context where law enforcement is largely discretionary; anti- prostitution criminal laws may not be an enforcement priority according to policy, but

officers still retain the power to scrutinise particular groups within the sex work sector.

Given that law enforcement was associated with punishment rather than protection, it's not surprising that many women placed enormous value on avoiding law enforcement and other authorities altogether. Twenty- seven of the 35 (77%) workers in Vancouver felt a very strong need to avoid interactions with law enforcement and/or perceived their lack of contact with law enforcement as a positive. For almost three- quarters of the workers in Vancouver (n = 26, 74.3%), a history of no interactions with law enforcement was reported as an indicator of success in sex work, both in terms of minimising the need to call law enforcement (e.g. through rigorous client screening procedures) and preventing the potential for harassment or punishment by law enforcement personnel. As

'Jessica' explained, avoiding criminal penalties was crucial:

[What are the most important things you have to remember in this business?] Don't get arrested, just support family.

('Jessica', naturalised citizen, Asian, Vancouver,

massage shop worker)

While sex workers in Melbourne's licensed brothels spoke of law enforcement as adequate, if perhaps a little indifferent, only two of the 35 (5.7%) women interviewed in Vancouver related a positive, helpful encounter with law enforcement. Ten (28.6%) workers in Vancouver reported experiencing or anticipating punitive encounters with the police. This included workplace raids; physically intrusive behaviours, such as not seeking consent when conducting a search throughout the workplace; interrupting sessions with clients; and checking workers' identification documents.

I know for a fact that the police aren't on the side of anyone, well in general

. . . when I was assaulted and I called the police and they told me that I should go to the local police station. And I'm like, well, he drove me to Richmond so I don't know where the fuck the local police station would be. . . . And then my friend got, she got away from the guy, he was actively trying to rape her . . . this was very recent, she got interrogated for two hours and they asked her if she's sure that she's not making it up. And I'm like, really?

('Lara', naturalised citizen, European, Vancouver,

independent worker)

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Women in Vancouver were also concerned that criminal records for prostitution-related offences would jeopardise their 'day job', result in having their child apprehended by child protection services (as mentioned earlier), or result in losing one's job or business. 'April', an Asian naturalised citizen working in a Vancouver massage shop, argued that calling the police in situations of violence

120 Using legalities and illegalities in sex work would only result in attracting "bad police" or the closure of their workplace.

Given these consequences, it should not be surprising that while workers in Melbourne's licensed brothels were able to use the law as leverage against clients, the inverse was true in Vancouver. In Vancouver, several women felt that abusive clients were aware of workers' reluctance to call the police and were able to use this as leverage against sex workers to demand risky or unsafe services, ensure that violence would go unreported and evade payment.

[I wish] we can call police. . . . But we couldn't call police because we got

[assumed to be] guilty. And the customers know that, especially bad guys.

They know that we couldn't call police so they do what they want.

(‘Andrea’, naturalised citizen, Asian, Vancouver,

massage shop worker)

Customers here are pretty good. Some customers very rarely start to threaten us, saying we are kind of illegal, and don’t pay the tip we agreed to. They’ll say they’ll call the police because they think we’re afraid of the police. But this is rarely.

(‘April’, permanent resident, Asian, Vancouver,

massage shop worker)

Disrespect towards sex workers by law enforcement was compounded by instances of apathy or indifference when sex workers did report abusive clients and/or violence to the police. Only three workers in Vancouver reported calling the police to respond to client violence and suspicious interactions with third parties. Of these three, two reported having unhelpful encounters.18 Overall, there remained a strong sense that law enforcement was more likely to punish workers who reported experiences of violence.

The other day, there was a client come in. Like he was totally an abuser. He was a bully and like, everyone got so scared. But we cannot call the police because we were not legal. And anything could happen at that point, you know.

(‘Jade’, international student, Asian, Vancouver,

massage shop worker)

Some girls do drugs, steal money or personal possessions. Because we’re

doing illegal work here, we cannot call police, so can’t tell them we suspect her of stealing.

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(‘April’, permanent resident, Asian, Vancouver,

massage shop worker)

Although workers had strong critiques about law enforcement, women interestingly still felt that client behaviour could be effectively shaped by the symbolic power of law enforcement (e.g. police warnings to clients). For example, ‘Ellie’

pointed out that while the criminal justice system afforded little value to sex workers, given the amount of time and effort required for a criminal case, the symbolic performance of law enforcement could provide a quicker, more effective deterrent for abusive clients.

I’ve never gone to the police, never had anything bad, but I don’t know how they look at it if it did happen. If I tell you [police] this guy did something to me, then go after him. Even they try to ignore it and say there’s no proof, I still want you to talk to the guy. Clients will only get more aggressive if they can get away with it, and then they tell their friends, review boards.

(‘Ellie’, naturalised citizen, Eastern European, Vancouver,

independent worker)

One of only two examples of a positive encounter with a law enforcement officer provides an important example of how law enforcement can assist a sex worker who has experienced violence. In this instance ‘Gemma’ experienced sexual violence outside of work but disclosed her occupation to the police when she reported the assault, as the assault occurred in her home (where she also works).

It should be noted that this occurred in an affluent neighbourhood and therefore may not reflect the particular race and class intersections that shape law enforcement in less affluent neighbourhoods.

I had the police over here [in my home] and told them about my involve-

ment in the [sex] industry and so they're aware and they were actually quite supportive. . . . Supportive in a sense that, you know, no matter what it is that you do, sexual assault and whatnot, it can happen. Don't ever feel that you're to blame for this or you know, because of any line of work that you do, you're not to blame for this.

('Gemma', naturalised citizen, mixed ethnic heritage, Vancouver,

independent worker)

A community worker who interpreted for a number of interviewees also commented that law enforcement attitudes could change for the better, but that it takes continual reinforcement and training to prevent officers from relying on more punitive approaches.

My problem with them is when I do workshop with them, I am ok for two,

three months, the women are ok. But then after that, they forget. So that means I have to do it frequently. . . . Otherwise, the new [law enforcement]

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officer have no idea about the sex worker . . . it happened actually, they went and they raid a house in [district] which they were very nasty, very nasty to the [sex worker].

While laws and regulation in Melbourne make it clear that workers in the licensed sex work sector are entitled to protection and support from law

above reveal that law enforcement personnel may also experience confusion or ambivalence in understanding their competing responsibilities to address violence against sex workers and enforce federal laws that criminalise sex work- related activities.

Regulating migration in the workplace and sex work at the

border

Laws and regulation concerning migration were not as salient for most interviewees in both cities. This may be because, as outlined in the previous chapter,

most women were citizens, permanent residents or otherwise had documented migrant status that also afforded them legal labour status (e.g. working holidaymakers, international students). However, the migration issues that emerged in both cities speak to the intersections between race and ethnicity with labour and migration regulation, namely: (1) how migration regulation shapes how women can work, and (2) how sex work shapes women's ability to cross borders for both work- related and personal purposes.

The main form of migration regulation women experienced occurred within

the workplace, that is, immigration checks in sex work establishments to verify whether workers had legal authorisation to work in Canada or Australia. This involved visits by authorities (including non- immigration authorities such as local law enforcement) to check workers' identification documents. Thirteen (43.3%) women in Melbourne reported these identification checks compared to three (8.6%) women in Vancouver. Although the majority of interviewees'

migration or residency status was secure or documented, immigration checks were still a source of anxiety for some, for example:

They just came and I think they were more interested about illegal migrants?

[And that was the police, not immigration?] Police, yeah . . . they spoke to the manager first. And then they spoke to the migrants later . . . they not only spoke to us [immigrant or migrant workers] but there was an Aussie girl too

[who they spoke to]. . . . Like the girls felt, they were cringing, you know, like the other migrants.('Skye', permanent resident, South Asian, Melbourne, licensed brothel worker)

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Monitoring of identification documents affects both those who are legally categorised as migrants and workers who are assumed to be migrants due to their race, ethnicity or language. However, temporary migrant workers do face greater legal/employment restrictions that influence how they are permitted to operate, such as restrictions on the number of work hours permitted (e.g. international

students), or taxes workers are required to pay or are exempt from (e.g. working holidaymakers). In addition to legal restrictions, migrants may perceive additional barriers in the industry. One international student felt that opportunities were limited for her in the Australian sex industry:

[M]aybe I think I want get the job about the reception, I don't want to be the worker. But I cannot, because actually, if you are not citizen, they will not hiring you. And also the boss tell me, even reception, they need get [management] license.

('Lita', international student, Asian, Melbourne,

licensed brothel worker)

'Lita's' belief is technically incorrect: legally, temporary migrants are permitted to work in any role in the sex work sector provided they have authorisation.

However, her comments raise interesting questions about the expected roles for migrants in the sex industry, as well as questions of cultural competency, power and entitlement, such as who is permitted to take up positions of authority in the sex industry. 'Lita' went on to argue for the value of employing culturally and linguistically diverse workers for management and receptionist positions, to facilitate business as well as worker–client exchanges:

[T]he problem is like if someone come here and then they're thinking it's Asian shop. When they enter, and they see the reception is like this [staffed by a White woman], so they will left this shop, change more another shop, you know what I mean. And then also if the Aussie girl [is] reception, if here is the Asian worker—so it's not much convenient can talk each other, not much can understand each other.

The above issues speak to how migrant status (or assumed migrant status) can affect how women operate within the sex industry. Only two workers discussed how sex work might affect international travel, but their concerns warrant a mention here as they reveal the discrimination that sex workers have to anticipate and negotiate beyond the workplace. Sex work remains a unique profession in that workers have to be particularly cautious about their migration or travel, regardless of whether travel is work- related or not.

I worry about official bodies finding out. I want to go to the uS but if it came up, I wouldn't be granted a visa. It'd affect my visa so I don't want my name associated with that.

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('Sam', naturalised citizen, South Asian, Melbourne,

various sectors)

All of the examples offered by both workers (both naturalised citizens who had grown up in Australia and Canada) concerned the refusal of entry into

a country. Research has found that airport border officials do scrutinise women

124 Using legalities and illegalities in sex work thought to be potential sex workers and that these assessments are influenced by race, ethnic, nationality and gender intersections (Pickering & Ham, 2014).

'Gemma', a naturalised citizen of mixed ethnic heritage working as an independent escort in Vancouver, recounted other workers' experiences of being denied entry at Australian and American borders, despite their intentions to travel for non- work-related reasons. For 'Gemma', workers' experiences at international borders confirmed the risks of acquiring a legal professional identity as a licensed social escort in Vancouver. Legality can confer safety and privilege within the work environment, as evidenced by workers' experiences in Melbourne's licensed brothels, but legal professional identities can also heighten the risk of discrimination or immobility outside city, state or national borders.

Interestingly, South Korean sex workers working in Victoria present a unique example where sex workers may be entitled to greater protection as migrant workers working in the Victorian sex industry than as citizens in South Korea. under South Korean law, involvement in the sex industry, whether within or beyond national borders, is prohibited and individuals can be charged with prostitution- related offences upon their return to South

Korea.19 'Ava', one of four South Korean workers interviewed, argued that her permanent residency in Australia and her anticipated Australian citizenship would provide her with more protection in South Korea. She discussed the risks of working in the sex industry as both a South Korean national and an Australian permanent resident as well as the need to postpone certain activities until she received her Australian passport. These included registering for an SWA- exempt registration number,20 advertising more visibly, publicly engaging with sex workers' rights efforts and publicly responding to stigma within the Korean- Australian community.

[Have you ever been tempted to respond on the Korean- Australian community forums?21] No. After I get my citizenship maybe (laughs). Then everything is safe. I feel, I'm really tempted though. But not now. After I've got my Australian passport (laughs). Then no Korean government agency

can touch me.

('Ava', permanent resident, Asian, Melbourne,

independent worker)

While only indicative, given the small number of women who discussed migration regulation, these examples suggest that migration regulation influences how women can engage in sex work (beyond the conditions required for various Downloaded by [University of California, San Diego] at 22:47 15 January 2017

visas), as well as how women's sex work can impact their movement across borders. The findings above also demonstrate that the influence of migration regulation is by no means limited to territorial borders. Rather, the management of borders can occur in various sites both within and outside national borders and the workplace.

Conclusion

A comparative analysis of immigrant, migrant and racialised workers' experiences and negotiation of contrasting legal contexts offers insight into the risks, challenges and opportunities afforded by different forms of regulation. The intersections between regulation, subjectivity and identity may be heightened for immigrant, migrant and racialised workers whose legal status in the industry (or in the country) may be considered suspect or implausible. Laws and regulation produced different subjectivities that enabled (as in Melbourne) or denied (as in Vancouver) women status to legitimise their right to safe working conditions and economic mobility. Laws and regulation shaped women's power in their interactions with clients, management and law enforcement by producing a particular

professional identity (e.g. as a 'legal' or 'illegal' worker). The status or identity that law affords to workers also produced different knowledge about industry governance, as demonstrated by brothel- based workers' law enforcement activities in Melbourne contrasting with the perceived irrelevance of legal knowledge in Vancouver's sex work sector. In Vancouver, workers' agency was largely exercised to operate 'under the radar' of law enforcement. Practical definitions of 'illegality' had less to do with 'the law' and much more to do with intuiting discretionary law enforcement patterns or anticipating what law enforcement officers might deem as problematic. By contrast, workers in Melbourne's licensed brothels were able to draw upon the law directly in order to exercise agency (with both clients and law enforcement officers) and demonstrated a greater maintenance of sex work regulation. Licensed brothels also allowed workers to affirm their right to work in sex work and their right to safe working conditions in interactions with clients and law enforcement. Interviewees had suggestions on how to improve regulation but overall, interviewees felt that Victorian regulation provided licensed brothel-based workers with some leverage to resist abuse and exploitation.

At first glance, women's effective use of legalised sex work spaces in Melbourne may appear surprising, in light of global sex worker opposition to legalisation of the sex industry. As discussed earlier in this chapter and [in Chapter 2,](#)

many in the sex workers' rights movement advocate for decriminalisation (or the removal of criminal penalties around sex work) but oppose legalisation (or the imposition of state regulation of the sex industry). However, women's successful mobilisation of 'legal' identities may speak more directly to women's creative exercise of agency, rather than a definitive argument for the legalisation of sex work. Legalised sex work spaces (i.e. licensed brothels) in Melbourne afford limited, contained spaces for some workers to work without punitive law Downloaded by [University of California, San Diego] at 22:47 15 January 2017

enforcement interference. For immigrant, migrant and racialised sex workers that may already face increased scrutiny by law enforcement and/or anti-trafficking stakeholders, the existence of (albeit) limited,

contained spaces to be recognised as lawful workers should not be discounted.

However, although this study focuses on workers' experiences in legalised and criminalised contexts, the research findings still affirm the importance of

126 Using legalities and illegalities in sex work decriminalising sex work. This is clearly evident in workers' experiences in Vancouver, in which women have to simultaneously navigate the contradictions that emerge in an region that both criminalises sex work- related activities (under federal criminal law) and appears to legalise sex work businesses (under city by-laws). In this context, knowledge of what is legal or illegal appears to be less feasible for both workers and law enforcement. When knowledge of the law may not be feasible (or rather, when reconciliation between criminalisation and legalisation may not be feasible), this can entrench power imbalances between law enforcement and sex workers, where individual law enforcement officers are permitted to determine how the law will be applied and who it will be applied to.

For immigrant, migrant and racialised sex workers—particularly those that fit stereotypes of trafficking victims or 'illegal' migrant workers—the risk of discretionary punishment remains a serious concern.

Although decriminalisation remains an important goal for the sex workers'

rights movement, workers' comments also affirm that decriminalisation should not be confused with de regulation. Removal of criminal penalties around workers'

labour is an important condition for workers' safety and mobility, but interviewees still had strong and varied opinions on how the sex work sector and businesses should be organised to strengthen safety and maximise income generation. The broader issue of regulation or how business should be organised is distinct (but not separate) from decriminalisation or legalisation. This is a broad and complex issue that will vary across contexts and be informed by who has the power to shape formal or informal regulation (e.g. workers or employers), what objectives

regulation fulfils (e.g. workers' safety, income generation or workplace profits) and how regulation is enforced (e.g. administrative penalties, community pressure, etc.).

For example, in order to ensure safety, security and mobility, sex workers resisted regulation that would increase their visibility outside the workplace, or regulation that would require women to cede control over identity management.

Although legality affords certain advantages within the workplace, it can still carry severe legal, social and financial consequences outside the workplace. Workers argued that any regulation should be geared towards enabling workers to engage in business 'quietly' and confidentially, to enable effective management of stigma and to ensure one's exit from the industry without legal, social or financial consequences. Workers also suggested limits on the responsibilities they felt to the state. For example, 'Coco' argued that while sex work was a job, she didn't agree that income from sex work should be taxed. She was adamant that income from sex work was to "feed family, not country" and that income from sex work should not be used to bolster government economies: "how do other countries respecting that country?" if "female citizens [sex workers] supporting the whole economy of Downloaded by [University of California, San Diego] at 22:47 15 January 2017

the country". She argued that instead, countries such as Canada were already routinely bringing in many immigrants each year "to support country" and that the income derived from the immigration system (e.g. fees) was part of how the government sustained pensions, child benefits and national development.

Laws and regulation played a role in work- related decision- making, but were not necessarily the definitive factor. Laws and regulation matter insofar as they

shape a market where women can maximise income generation while prioritising their security and mobility. Legality and illegality afford

particular benefits and risks for workers, but these are balanced against a market's potential for income generation. In Australia, this meant a willingness to travel or 'tour' other cities or states where sex work may be more heavily criminalised if there was greater potential to earn income. Far fewer workers (n = 3) in Vancouver compared working conditions in other provinces, although those that did weighed the risks and advantages of travelling for work in the neighbouring province of Alberta, where law enforcement was perceived to be much more heavy- handed, although rates were reported to be consistently higher and clientele significantly less jaded. Interestingly, women's perspectives on Victorian regulation resembled Asian workers' opinions about Asian management norms. Although Asian management norms have been met with suspicion by law enforcement and within public discourses (Maher et al. , 2012), some sex workers argued that Asian management practices provided a degree of informal regulation that was more likely to maximise business, such as demanding worker punctuality and reliability. These links between social difference, work- related decision- making and knowledge production in collective work environments are examined in the

next chapter.

Notes

1 Shopfronts for these businesses may display themselves as generic or non- sexual massage services or beauty spas, but may not indicate that sexual services are also provided.

2 Sections 210–213 of the Canadian Criminal Code: http://lawslois.justice.gc.ca/eng/

acts/C- 46.

3 Full text of the law: www.parl.gc.ca/content/hoc/Bills/412/Government/C- 36/C- 36_4/

C- 36_4.PDF.

4 This and other critiques of Bill C- 36 were stated in briefs submitted to the Canadian Senate during legislative hearings prior to the passing of the bill. A full list of briefs (both protesting and supporting the bill) can be found here: www.parl.gc.ca/Content/

SEN/Committee/412/lcjc/C36Briefs-e.htm.

5 As outlined in Chapter 2, sex worker rights groups advocate for sex workers' right to work legally (i.e. without fear of criminal punishment), but make a strong distinction between decriminalisation and legalisation. Decriminalisation involves the removal of criminal penalties for consensual adult sex work, whereas legalisation is often associated with the imposition of regulation concerning worker behaviour, work environments, etc. (e.g. licensing requirements). Both decriminalisation and legalisation permit sex workers to work legally; however, many sex worker rights groups advocate for decriminalisation but resist legalisation.

6 Sex Work Act 1994, Section 60A outlines "Display of prescribed signage relating to sexual slavery". Further requirements regarding sign text, location and visibility are Downloaded by [University of California, San Diego] at 22:47 15 January 2017

listed by Consumer Affairs Victoria:
www.consumer.vic.gov.au/businesses/licensed-

businesses/sex- work-service- providers/running- your-business/advertising- licences-and-

signage.

7 Abusive clients constituted a small minority of clients for all but one of the sex workers interviewed in both Vancouver and Melbourne. Further discussion on abusive clients is provided in Chapter 7, in the section 'Managing race, ethnicity and nationality with clients'.

8 More information is provided by Consumer Affairs Victoria—Business Licensing Authority (www.consumer.vic.gov.au/businesses/licensed-businesses/sex- work-service-

providers), which oversees administration of the Sex Work Act 1994 (www.austlii.edu.

au/au/legis/vic/consol_act/swa1994129).

9 Street- based sex work remains limited to certain areas of the city and sex work businesses remain subject to local regulations, such as zoning.

10 Licensed brothels in Melbourne are not permitted to have more than six rooms for sex work, as per the Sex Work Act 1994.

11 Prior to 6 December 2014 (and during the course of fieldwork), this referred to Sections 210–213 of the Canadian Criminal Code (http://lawslois.justice.gc.ca/eng/acts/

C- 46), which prohibited assisting anyone to work in sex work (procuring), live on the avails of prostitution (e.g. earnings), own or occupy a place regularly used for sex work (or 'bawdy house') and talking to potential clients publicly (soliciting). The Supreme Court of Canada struck down these laws in December 2013 on the grounds that these laws violated sex workers' rights under the Canadian Charter of Rights and Freedom. On 6 December 2014, the federal government introduced Bill C- 36, or the Protection of Communities and Exploited Persons Act, into law. This Act continues the criminalisation of persons who assist sex workers in their work, by prohibiting

"receiving a material benefit" from sex work- related activities and displaying advertisements for sex workers, and reintroduces an offence that prohibits "the procurement of persons for the purpose of prostitution" (www.parl.gc.ca/content/hoc/

Bills/412/Government/C- 36/C- 36_4/C- 36_4.PDF).

12 Etiquette guidelines on sex workers' websites in Vancouver often included safety-related information (physical and legal) such as instructions for payment, how to contact the worker, what sessions would and wouldn't include, clear statements about what would not be tolerated by the worker, etc.

13 There is a lack of research on the nature and content of community complaints about sex work, and it is a research area that warrants further examination.

14 Interviewees who had not noted differences either: (1) spoke about law enforcement in more general terms, (2) were not aware of the distinctions between federal and city law enforcement bodies, and/or (3) had not worked across different municipalities.

15 In 2012, outreach services were routinised, allowing for more comprehensive (although still anecdotal) monitoring and measurement of women's experiences with law enforcement.

16 For example, see 'Vancouver Police Policy on Prostitution Laws Called a Model for the Country': www.vancouversun.com/news/Vancouver+police+policy+prostitution+

laws+called+model+country+with+video/8025737/story.html.

17 It was not until November–December 2014 that training on the Guidelines was made mandatory for VPD officers and staff.

18 One of these instances was reported to me several weeks after the research interview.

19 The South Korean Government introduced two anti- prostitution laws in 2004: the Act on the Punishment of Procuring Prostitution and Associated Acts (otherwise referred to as the Punishment Act), and the Act on the Prevention of Prostitution and Protection of Victims (otherwise referred to as the Protection Act). The new laws stated that the buying and selling of sex was a crime against women's rights.

20 A licence exemption under the Sex Work Act, although sex workers working individually must still register their details with the Business Licensing Authority: www.

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consumer.vic.gov.au/businesses/licensed- businesses/sex- work-service-providers/small-

owner-operators.

21 There have been a number of Korean- Australian community efforts to ostracise and/

or expel South Korean women from sex work, due to concerns about the perceived damage to the Korean- Australian community's reputation in Australia (Ham, Jung & Jang, 2016).

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7 Co- workers, clients and

knowledge production in sex work

The sex industry remains heavily mystified, not only for the public but also for workers new to the industry. This makes the accumulation of professional knowledge, which would enable one to work profitably and safely, more challenging.

Part of this process involves determining how to work with other sex workers.

Working with others is generally recognised as an important safety strategy for sex workers (Chez Stella, 2010; Sanders, 2005; BCCEC, 2010; Sanders & Campbell, 2007; Lewis, 2006; Krüsi et al. , 2012), yet the ability to choose who one works with remains a legally contentious issue in various jurisdictions. In Canada, the Criminal Code impedes workers' ability to work with others, including other sex workers, receptionists, managers and drivers.1 By contrast, Victoria's legalisation framework

requires workers to only work with other sex workers in licensed brothels by prohibiting private, incall work. The legal restrictions on who sex workers can work with, coupled with the stigmatisation of the sex industry, produces a unique occupational context. As a result of criminalisation and stigma, sex workers may be one of a few supports available to other sex workers. The reliance on one's co- workers forms an interesting contrast to the competitive realities in sex work, or the complexities that emerge when one may only be able to rely on one's competitors for safety and support.

This chapter explores these complexities through an intra- categorical intersectional approach by starting from the lived realities of immigrant, migrant and racialised sex workers. Two broad areas are examined. The first section considers how workers' relationships with co- workers shaped their understanding of the sex industry. The section that follows examines women's management of race, ethnicity and nationality to create and maintain preferred working environments. This discussion emerged in response to interview questions on how women made decisions about their work in the sex industry. This included questions about what worked or did not work about their current workplace, factors to take into consideration when Downloaded by [University of California, San Diego] at 22:47 15 January 2017

choosing a workplace, factors that made work easier or more difficult, and perceived differences between groups of workers. As mentioned earlier, the stigma and criminalisation of sex work presents a barrier to accumulating and sharing knowledge on how to work in the sex industry. In interviews, women were very generous in sharing the professional knowledge they had accumulated, but also spoke frankly about the challenges in accessing information on how to work profitably and safely

132 Co-workers, clients and knowledge production in sex work. Across interviews, there was an overall sense of pride in achieving what was often a hard- won professional expertise through experience and personal reflection, despite the barriers presented by stigmatisation and criminalisation.

Interviews revealed that women's work- related decision- making and work strategies (e.g. regarding screening, managing clients) involve the active

and deliberate management of a range of factors in order to ensure one's safety (physically, socially and emotionally) and mobility (primarily economic mobility). Workers'

active management was exercised in three key areas: (1) emotional management, (2) information management, and (3) business management. These three areas also apply to private, independent workers, but manifest differently in collective work environments. For workers in Melbourne's licensed brothels and Vancouver's massage shops, emotional management referred to maintaining a conflict- free equilibrium in the workplace, reducing the lack of 'drama' or conflict between workers and negotiating social differences (e.g. cultural differences) between workers.

Emotional management also entailed dealing with the emotional consequences of competition, such as jealousy and the anxiety of slow business periods. Information management involved workers managing the information they shared with colleagues such as the decision to share personal information or not, sharing industry knowledge (or not) and evaluating industry information from sex workers, managers, clients and other sources. Business management refers to worker perspectives on how to manage clientele, sharing workplace responsibilities and determining which characteristics best enable a safe and profitable workplace. The management of these dimensions was linked to how women related to other workers, as discussed in the following section. In turn, how one works with one's colleagues influences how one is able to make money.

Co- workers as risks, resources and allies

Women's opinions about co- workers inform not only how they view the sex industry but also how they manage their work. Three broad approaches to working with other sex workers emerged from the analysis, as the interview data/responses revealed a diversity of perceptions about other sex workers, workplace factors and work strategies. The first approach is termed protective, which is marked by the perception that other workers in the industry are ultimately another risk to be managed. The second approach is termed professionalism, which is defined as viewing co-workers as competitors as well as valuable resources. Workers in this group advocated distinct boundaries between the workplace and one's

personal life, but valued collegial working relationships in order to maintain productive and profitable working environments. The third
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approach is termed solidarity. Workers in this group spoke of other sex workers as supportive allies, expressed concern for their co- workers' welfare beyond the workplace and believed that strong bonds between workers strengthened business. This typology does not constitute a how- to guide for sex work, but rather offers insight into how workers' interactions with co- workers shapes their understanding of the sex industry and the safety and mobility strategies they use.

These three approaches are indicative rather than comprehensive, and do not reflect or characterise specific businesses, but offer important insights into how workers perceive and negotiate the workplace. For instance, one establishment may include workers who each use protective, professionalism and solidarity approaches when working with others. Women most often discussed their approach in relation to their current or most recent workplace, and it is possible that women's approaches can vary across workplaces. For example, a worker may feel that a protective approach is most appropriate in one workplace, while a solidarity approach may be more feasible in another.

Forty- nine (75%) of the 65 women interviewed reflected one of the three approaches above. The approaches of the remaining 16 (25%) women could not be gleaned from interviews and are excluded from the analysis for this section.2 Those who espoused a protective approach or who perceived other workers as risks in the brothels and massage shops they were working in constituted the smallest group among respondents (n = 10/49, 20%). Thirteen (27%) of the 49 interviewees valued a professionalism approach when working with other sex workers. Workers who valued a solidarity approach constituted the largest group (n = 26/49 or 53%).

The three approaches are discussed in ascending order, from the smallest group (protective) to the largest (solidarity). This is to enable a discussion of the additional layers each successive group perceived in their relationships with colleagues, as well as the progression from individualism to collectivity.

Protective: co- workers as risks

Interviewees in the protective group were much more likely to talk about the need to protect oneself from other workers in the industry, not being able to trust other workers in the industry and an overriding focus on one's own income. Ten Solidarity (n = 26, 53%)

Professionalism (n = 13, 27%)

Protective (n = 10, 20%)

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Figure 7.1 Three approaches to working with other sex workers.

134 Co-workers, clients and knowledge production (20%) of the 49 workers felt that their current or most recent workplace (brothels and massage shops) required a protective approach. This group comprised five sex workers at three licensed brothels in Melbourne (one Asian brothel,3 one Western brothel and one unspecified brothel) and five workers in Vancouver, including one worker in an Asian massage shop and four independent workers, three of whom had previous experience working with other sex workers.

When competition for business or clientele was prioritised over everything else, this had a significant impact on the emotional climate in the workplace.

Workplace drama and mistrust motivated by jealousy or competition resulted in stress, for example:

People here . . . even you [keep] quiet or whatever, they pick on you, you know what I mean. Maybe you don't make money and they make money,

still [they're] angry. . . . [They] doesn't want any competition. They, like,

[are] just greedy and make money. . . . Even if I give food, I give this, I give that but . . . [they're] no good to me, they all asshole, you know. I'm sorry to say, but it's all bad attitude people here.

('Susie', naturalised citizen, Asian, Melbourne,

licensed brothel worker)

Competition that was not mediated by concern for colleagues' well- being had a significant impact on workers' ability to trust their co- workers, which in turn influenced their capacity to maintain personal safety standards. For example,

'Chloe' had been robbed by a close colleague she had trusted in the past. As a result, she insisted that trusting one's colleagues in the sex industry remained a risk. This mistrust extended to safe sex practices at work, as she explained: "I don't trust anyone because I don't believe what no one say." She went on to explain that one customer might be known to many workers for demanding unsafe sex. She argued that if that particular customer continued to book one worker who maintained that she practised safe sex, 'Chloe' asked "[would] you believe her?" 'Lita' also explained how competition could prevent workers from supporting each other:

I just been new to this job so I don't know how to handle it. . . . Actually, they [workmates] will not tell you the truth because actually everybody want keep their customer and keep their skill how to catch the customer. So they will not tell you, like, true answer. So you need to find out yourself . . .

you [may] trust your workmate. But suddenly you find out oh, it's [was a]

lie all the time.

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('Lita', international student, Asian, Melbourne,

licensed brothel worker)

Negative experiences working with other sex workers (such as theft of property, theft of client details) were some of the reasons two sex workers in Vancouver moved into private, independent work. Although there is common consensus in

sex work and among sex worker organisations that working with others increases safety for sex workers, 'Ellie' argued that working with other sex workers could also generate a false sense of security or, in some instances, jeopardise one's safety or one's business, as she explains:

Unfortunately I had incidents with other girl workers—I would save clients'

numbers in my phone but I don't bring my phone when I go out on calls.

The other girls would steal clients' numbers from my phone. . . . A few times, girls stole from me, money taking, all those little things. I noticed the other girls would book anybody, because they felt safe working with others.

But I'm concerned more with health and discretion. I don't need drama, so I decided to work by myself.

('Ellie', naturalised citizen, Eastern European, Vancouver,

independent worker)

Instead, 'Ellie' argued that it was the appearance of working with others that could increase safety. She also made a strong distinction between receiving valuable safety advice from co- workers but experiencing

compromised safety and business when working with other workers. This reflected more generally the attitudes of sex workers in this group, who perceived colleagues largely as competitors and another risk to manage in sex work. By contrast, workers demonstrating a professionalism approach perceived their colleagues as expert resources as well as competitors, as discussed below.

Professionalism: co- workers as resources

Thirteen (27%) of the 49 interviewees valued a professionalism approach when working with other sex workers, and saw their co- workers as valuable resources as well as competitors. Of these 13 workers, eight were Melbourne- based, including seven brothel workers and one independent worker with previous experience working in brothels and agencies. These women worked at (or had worked at) six Asian brothels and one Western brothel. The remaining five women in Vancouver worked at three Asian massage shops and one Western massage shop.

The greatest difference between a professionalism approach and a protective approach was the recognition of co- workers' expertise. Although women in this category acknowledged that competition for clients is a reality in sex work, this was balanced by a respect for and reliance on co- workers' expertise. Interviewees in this category carefully limited the amount of personal information shared with colleagues but valued sharing work knowledge and industry information.

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For example, 'Jade', an international Asian student, spoke about the challenges of making friends in the industry and admitted she found her colleagues 'very strange' at the Western massage shop where she worked. But she also argued that while her co- workers were not her friends, she nevertheless felt accepted by them in a way she did not feel within her own ethnic community. Below, she discusses the work knowledge she gained from co- workers:

[G]irls in this place, I wouldn't say that they would be your friend and always have your best interest in mind. But they're a couple of very, very nice girls—they would say, you know, how much money to charge and sometimes how to upsell. And also how to keep yourself safe. And also how to navigate the politics between the girls. Like, for instance, [they would tell me] just not to trust anyone because you never know when they would want to sabotage you or something.

('Jade', international student, Asian, Vancouver,

massage shop worker)

'Bella' also argued that it was not ideal to become friends or 'too personal' with co- workers at her workplace. However, keeping a professional distance from colleagues did not prevent women in her workplace from working collectively to increase service rates for workers and resist management efforts to reduce service rates. Although she was careful not to get too close to her co- workers, she valued their expertise as a worker who was new to the industry at the time of the interview:

You need to talk to other workers. The more experienced, the better. So what I do, is I ask everybody [about an issue] and then I make my own decision. . . . You can be like friendly. But not friends. It will always be this competition, like [if] you gonna take [clients], and they're not going to get it

[business]. But if you ask them for advice, they will be more than happy to give it to you. Like, they will never say 'oh, you don't look nice in this dress, why don't you change it'. Because then if you look not nice, it's good for them [business- wise]. But if you ask them, like, what do you do here and there, then it's ok. ('Bella', naturalised citizen, Latin American, Vancouver, massage shop worker)

As 'Bella' suggests above, a range of knowledge is shared in 'shop talk'.

Workers compared notes on clients, rates and working conditions in different establishments. Workers shared personal observations about the

industry and lessons learned in managing clients and management. 'Shop talk' also included

'small talk', which, despite its superficial content, had an important function in fostering a collegial atmosphere while allowing workers to maintain their personal boundaries. While 'small talk' is not limited to those in the professionalism group, 'Amanda' acknowledged the utility 'small talk' had in maintaining a peaceful work environment, when she talks about what workers will and will not Downloaded by [University of California, San Diego] at 22:47 15 January 2017

discuss in the workplace:

You can't make friends with any other working girls. Because they all treat you as competitors . . . but, like the girls do talk quite a lot . . . they always tell, 'oh, where did buy your makeup, oh it's nice', like 'where did you buy your clothes', 'oh, it's nice'. . . . Or like that shop is very busy, boss is nice,

the customer is nice, always generous customer, like this thing, yeah. But we never say what I [each of us] do in the room with customers, it's quite private . . . because some girls are quite popular, [others will] always wondering 'why is she so popular, always customer wants her', like of course,

[that] girl will never, ever tell you (laughs). That's her way to make living, that's her secret to make money.

('Amanda', international student, Asian, Melbourne,

licensed brothel worker)

'Amanda's' comments also allude to the different approaches in dealing with competition. While workers in the protective group were more likely to suggest that isolating oneself in the workplace and remaining focused on one's own income generation helped in dealing with competitive dynamics, workers in the professionalism group still valued opportunities to learn from their colleagues.

Workers who applied a professionalism approach also prioritised a steady emotional equilibrium in the workplace or a lack of 'drama'. For these workers, emotional management was connected to business management. Managers, receptionists and owners had an important role (in addition to workers) in enforcing a calm, steady tone in the workplace and dealing with conflicts between workers quickly and efficiently, as 'Amy' explains:

That has a lot to do also with management because—usually when you have

one snobby, bad person on the team [among sex workers], then you might

have problems losing girls that could be productive workers because they do not want to stay there with that one person. In any kind of job.

('Amy', naturalised citizen, Latin American, Vancouver,

massage shop worker)

Fostering an emotional equilibrium in the workplace took effort. Brothels and massage shops are unique working environments that are marked by competitive dynamics that differ from other sectors in the sex industry. Competition in collective work environments, such as brothels and massage shops, tends to be, as 'Ava', an Asian permanent resident working independently in Melbourne, described, "in your face" or much more visible. This was particularly the case in Melbourne's licensed brothels, where all clients are typically granted their choice of all the workers available on shift and where all workers are expected to introduce themselves to each client. Workers acknowledged the emotional impact of competition, such as observing particular workers being frequently booked by clients, and having to negotiate jealousy from other workers when *Downloaded by [University of California, San Diego] at 22:47 15 January 2017*

one was booking a lot of business. Workers who espoused a professionalism approach discussed managing these emotional dimensions of competition in order to preserve a peaceful working environment. This included refraining from gossip or escalating conflict, being mindful of

how they communicated with others and managing their own competitive feelings, as 'Suki' and 'Adele'

explained:

138 Co-workers, clients and knowledge production In this job, of course, girls get jealous . . . I'm not jealous of other people, I never compare myself with others. Some more busty, some can talk sexy,

like Korean girls, but I don't compare [myself] with the others in this job. . . .

Most of time, it's nice, [we] share food [with each other], talking, but just not really from the heart, not [as] real friend.

('Suki', international student, Asian, Melbourne,

licensed brothel worker)

[To foster collegial work environment] When I go shopping, I will get some fruits or sushi roll [to share]. Not often, just once a week. And I don't like listening to someone gossip, talking gossip. So keep silent is good, good thing (laughs).

('Adele', international student, Japanese, Melbourne,

licensed brothel worker)

In comparison to the two other approaches, a professionalism approach valued knowledge sharing and peaceful relations between sex workers to maximise earnings, while still recognising the competitive nature of working in a brothel or massage shop. In contrast to workers in the solidarity group (discussed below), workers in the professionalism group shaped these collective dynamics primarily for the purpose of maximising individual earnings. This differed from workers who valued a solidarity approach, which involved workers' active support of other workers' goals and needs in addition to their own goals in the industry.

Solidarity: co- workers as allies

A solidarity approach in the workplace was marked by: a concern for co-workers'

welfare beyond the workplace; comfort with discussing personal issues; greater trust in co- workers; enjoyment working with one's co- workers; and perceiving one's co- workers as allies rather than resources (as in the professionalism group) or as risks (as in the protective group). A solidarity approach was the dominant approach in both cities, with 26 (53%) out of 49 interviewees. In Melbourne, this included 12 workers in eight licensed brothels (seven Asian brothels and one Western or 'mixed' brothel) and one independent worker with experience working in collective environments. In Vancouver, this group comprised 14 workers in six massage shops (five Asian massage shops and one Western massage shop) and three independent workers who had worked with other workers.

Workers who engaged a solidarity approach related to their co- workers differently than workers who applied a protective or professionalism approach. For Downloaded by [University of California, San Diego] at 22:47 15 January 2017

workers in the solidarity group, the emotional dimensions of sex work could shape one's financial success in the industry. One's relationship with co- workers was an integral part of how both emotions and business were managed. Seven workers who took a solidarity approach spoke about learning from co- workers and friends in the industry, but discussion of information management was not as in- depth as the links between emotional management and business management.

Co-workers, clients and knowledge production 139

Rather than individual workers making their way through the industry (as workers in the protective and professionalism categories did), interviewees in this category were more likely to see themselves as allies or as part of a collective, as the following workers explain:

[If] we [are] together working few days, [it's] easy become family because always we [are] just like a army, we are army! . . . Enemy is customer (laughs).

(‘Nicole’, Asian, Melbourne, licensed brothel worker)

We respect each other and even people from different nationalities, we respect each other. I’ve heard that women in this industry have so many problems but it’s not true here . . . we [are] quite united. We don’t argue or anything, we actually share a lot and understand each other a lot. For example, when the clients came to book, if they book you and they don’t

book another person, there’s no problem about jealousy or anything.

(‘Bee’, permanent resident, Asian, Melbourne,

licensed brothel worker)[4]

Unity or feeling part of a collective benefited workers in a number of ways. First, interviewees felt it was important to have an emotional support network with those who understood the day- to-day realities of sex work and who could personally relate to the emotional highs and lows of the industry, including periods when business was quiet or when working with challenging clients.

I’m working full time in this job now. So I think some [work] friends I see them every week, it’s more than my normal friends from outside of the work

. . . I almost talk to them [work friends] every day. We can complain to each other about this work ’cause no busy, no money, things like that, all about bad girls (laughs) or bad customers . . . normal friends [outside of work], you can’t tell anything about this. It’s very hard to keep all the things inside yourself, you need someone to share with you.

(‘Ruby’, permanent resident, Asian, Melbourne,

licensed brothel worker)

It’s like family here. We actually care about each other and try to teach each other. When I first came here, I was quite sensitive and stressed [about working in sex work] and other girls actually from other nationalities, they would come and teach me what to do so that I don’t get

too stressed or too worried . . . if someone is unhappy or angry, we would know when to step back or pull that person out, to calm down. And it's like a big home for Downloaded by [University of California, San Diego] at 22:47 15 January 2017

everyone with mom and daughter, sisters.

('Bee', permanent resident, Asian, Melbourne,

licensed brothel worker)5

Interviewees in this category praised their co- workers and other staff for being kind, friendly, helpful and supportive. Describing co- workers as friends, seeing

140 Co-workers, clients and knowledge production each other socially outside the workplace, and cooking and eating together was most common in this group. Workers in this category were also most likely to state that it was easy to make friends in the industry and felt comfortable discussing personal issues with their co- workers:

Most of the time [we talk about] personal stuff about friends, family, relationships. You know, 'women talk'. Some girls want to keep that private so they'll just talk very general—about food, or what they do for play. Which spa is good, which is not good. Which customers are not good, which customers are good.

('Lucy', permanent resident, Asian, Vancouver,

massage shop worker)

Most girls are nice, [we] talk to each other, we share food, talking and we go out sometimes as well. And some girls are really, really jealous if you get more job than [them]. But most girls are good, even [if they] work this job, I think most girls they got a good heart.

('Ruby', permanent resident, Asian, Melbourne,

licensed brothel worker)

Effort was required to create and maintain a collectively supportive environment, particularly in relation to neutralising jealousy, balancing competitiveness and nurturing co- workers' well- being. For instance, 'June' was a worker who also played an informal peacemaking and mothering role among her co- workers.

She spoke of trying to help co- workers who felt conflicted about sex work:6

I'm more a mother role to them. And they come to me for little bit comfort, sometimes. . . . Because they doing something they don't want do it, but they need the money, right. Like, they're actually not happy inside. . . . If I [was]

the boss . . . I would more tell the girl how to be smart in life. And I would teach them, you know, just do your job as much you could and then go on, go to school, buy apartment, buy a car, and then start a new life. I'm not in a position to tell them, because I'm not [the boss] and they don't listen to me.

But if I [was] the boss and I had lots money, maybe they would listen.

('June', naturalised citizen, Asian, Vancouver,

massage shop worker)

I try to be really supportive of other workers. In Sydney, I worked shifts with other workers who I saw regularly and were new to the industry.

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They'd ask me about the number of clients [I saw] and compare their numbers, if they're not making lots of money and were blaming themselves.

I tried to support them, and say shit happens sometimes and that the best workers still have bad days.

('Sam', naturalised citizen, South Asian, Melbourne,

various sectors)

Co-workers, clients and knowledge production 141

Although the comments above point to the contributions that individual workers can make to supportive collective dynamics, workers in both the solidarity and professionalism groups also stated that management had a strong role to play in

'setting the tone' for workers' behaviour and, therefore, workplace morale.

However, while workers in the professionalism group talked about the importance of management's role in efficiently handling conflicts between workers, workers in the solidarity group argued that management also had a role to play in facilitating solidarity. Workers argued that a supportive or collegial atmosphere was more feasible if management protected workers' safety and balanced competition between workers with rules and expectations about staff behaviour, for example:

We know each other. [It's] also about personal character, some girls are friendly, not competitive, not 'thirsty for money'. Most are ok. Especially Asian girls—they follow the rules. You have to trust. You have to trust the manager, trust the girls. You don't need to be thirsty [greedy] . . . [it's] about being nice, friendly, slowly [calm], not angry.

('Lucy', permanent resident, Asian, Vancouver,

massage shop worker)

Depend[s] on the rules of different massage parlour[s]. If the rules getting perfectly, the girls getting along. If no rules, everyone wants what they want. Sometimes, you know, [that makes work] even harder.

('Andrea', naturalised citizen, Asian, Vancouver,

massage shop worker)

In addition, as 'Bebe' and 'Gigi' indicate below, working from a solidarity approach makes sense from a management perspective. Creating a work atmosphere that would appeal to sex workers would likely retain staff who valued a collegial work environment, for example:

The relations between the girls is good because of the boss, she's very kind, very understanding. I feel comfortable with her . . . she treats us like friend, she invites us to eat outside, [it] feels like family. She's a very nice lady, that's how she keep this business [for so] long.

('Bebe', Asian, Vancouver, massage shop worker)

Manager must [be] friendly with the girl. . . . If you [manager] not friendly with the girl, [won't] have the girl working. Yeah, because Melbourne have Downloaded by [University of California, San Diego] at 22:47 15 January 2017

a lot of place, [workers have] freedom to go, you know.

('Gigi', naturalised citizen, Asian, Melbourne,

licensed brothel worker)

'Ella's' description of her workplace provided one of the clearest examples of a solidarity approach. 'Ella', who has worked in the industry for more than 10

142 Co-workers, clients and knowledge production years, singled out her current workplace in comparison with other previous workplaces, for the support her co- workers showed each other. She admired her co- workers for not only caring about each other's safety (something many participants spoke about) but for being mindful of their colleagues' business and making an effort to ensure everyone had an opportunity to make good money:

[T]he main girls [workers who have worked there most consistently]. . . .

They spend more time together with each other than they do with their own families. So they literally become like sisters . . . if you guys do care about each other, and care about that each other make money, then it's a way better atmosphere. . . . [I]t's definitely an effort. It's an effort to not take your moods out on each other, or to try to not be selfish, and to try to consider someone else's wallet. . . . Like if one girl hasn't worked, they'll be like, 'no, no, you go, you go [take the next customer]'. And you won't find that at other places (laughs)—[at other places] it's like 'it's my turn!'

('Ella', naturalised citizen, Asian, Vancouver,

massage shop worker)

As 'Ella' emphasised, practising solidarity in the sex workplace required deliberate labour from workers but it also protected workers in a stigmatised and oft-criminalised industry. Her comments were reflective of the broader patterns in this group. Differences in how a worker positioned herself in relation to her co-workers distinguished a solidarity approach from professionalism and protective approaches. Workers in both the protective and professionalism groups individualised workers to a greater degree than workers in the solidarity group. By comparison, workers in the solidarity group perceived the safety and mobility of other sex workers as a condition for strengthening one's own safety and mobility in the industry.

That the majority of interviewees (80%) applied a professionalism or solidarity approach speaks to both the value of working with other sex workers as well as the deliberate effort workers invest in order to foster supportive and productive work environments. In a stigmatised and/or criminalised (as in the case of Canada) sex industry, other sex workers may be one of the few resources available to sex workers to protect their safety and well- being and further their mobility. Women's reflections on working in collective workspaces reveal dimensions that are not often recognised in public debates about sex work governance, as mentioned at the beginning of this section. The question of who sex workers can work with remains legally contested in numerous contexts, with the Canadian criminal prohibition against 'procuring' being one main example.

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However, the how of working together safely and productively is less acknowledged in public debates and in the research literature. The findings discussed above reveal that: (1) how sex workers work together shapes women's agency, security and mobility in sex work, and (2) a range of factors inform how sex workers work with other workers, such as past experiences and personal attitudes about the sex industry. This study's findings support consensus within the

available research on worker–worker dynamics and among sex worker organisations that encourage workers to work collectively. This study's findings also suggest that legal prohibitions against working with others can obstruct workers'

efforts to foster key emotional and information supports in a marginalised work sector. This typology presents one key example of the occupational frameworks that workers used to understand and operate in the industry, one that is not explicitly grounded in ideas about race, ethnicity and nationality. The following will consider how workers managed race, ethnicity and nationality in their interactions with other workers and with clients, in order to organise their work, protect their safety and facilitate their economic mobility.

Managing race, ethnicity and nationality in the workplace

It is important to note that race, ethnicity and nationality7 can shape how women experience sex work, but it does not necessarily define women's experiences in the sex work sector. There can be a risk of focusing solely on race, ethnicity and nationality when analysing the experiences of immigrant, migrant and racialised sex workers. Given how much these sex workers are 'Othered' in anti-trafficking, immigration and even sex work discourses, focusing on 'difference'

can create the illusion that this group of workers' experiences can only be defined by their 'difference' in predominantly White countries such as Australia and Canada. There is a risk of prioritising issues that speak directly to workers'

difference rather than what workers themselves define as their most salient concerns, whether those issues speak directly to 'difference' or not. Prioritising difference over salience not only risks a skewed view of sex worker experiences but also skews how we theorise 'difference', by reinforcing immigrant, migrant and racialised sex workers as passive objects in public discourses rather than as active subjects determining their own priorities and concerns. Given the silence of immigrant, migrant and racialised sex workers in public discourses, an intra-categorical intersectional approach offers a valuable tool to highlight the diverse range of priorities identified by workers themselves, both those concerns shared with other groups of sex workers, and concerns that may be unique to immigrant, migrant and racialised women in sex work.

Analysing how sex workers understand and use race, ethnicity and nationality contributes a unique perspective to research that has mostly been concerned with the social construction of 'migrant sex workers' rather than how social difference is understood and used by immigrant, migrant and racialised sex workers.

While it is important to remain aware of the distinctions between race, ethnicity and nationality, there are a number of reasons for analysing them together in this Downloaded by [University of California, San Diego] at 22:47 15 January 2017

chapter. One reason is that these terms are fluid, and were often used interchangeably or ambiguously among sex workers, managers and other staff in interviews and during fieldwork. In regard to terminology, complexity arose in trying to name the 'difference' from Asian- ness, specifically Whiteness. As many of the interviewees were Asian (racially, ethnically and/or by nationality), there was greater clarity of what Asian could mean, but the use of gentler

144 Co-workers, clients and knowledge production euphemisms revealed a greater ambiguity in naming Whiteness. Race and nationality were often conflated in discussions about Whiteness, with the common use of 'Aussie' or 'Canadian' as a euphemism for White. Interviewees and I ended up using an array of terms to capture the 'difference' from Asian-ness, such as White, Caucasian, 'international', 'mixed', Western. This ongoing negotiation around language reveals the uncertain vocabulary available to name and analyse Whiteness in sex work. For the purposes of this chapter, the terms

'White' or 'Western' are used; the latter to indicate that there may be a range of racial, ethnic and national identities that reflect 'the West'.

Specifically, this section considers how sex workers used and managed race, ethnicity and nationality in their work by focusing on two groups many sex workers work with: co- workers and clients. These two work relationships have been analysed differently in sex work research. Dynamics between sex workers and their clients have been more theorised in sex work research (as discussed in

Chapter 2). By comparison, although working with other sex workers is generally acknowledged as a safety strategy in sex work (as discussed in the preceding

section), there has been less examination of the dynamics between workers in collective workspaces. One of the key ways in which race, ethnicity and nationality intersected with emotional, information and business management in sex work emerged in workers' comparisons of 'Asian' businesses and 'Western'

businesses.

Asian workspaces: "prefer for relax, Aussie shop; prefer for money, Asian shop"

Among interviewees, race, ethnicity and nationality in the sex work sector referred more often to an Asian/Western distinction rather than the

migrant/citizen binary often used in public discourses. The Asian/Western difference, as understood by immigrant, migrant and racialised sex workers, challenges the enduring association between Asian- ness and vulnerability or risk that is still prevalent in anti-trafficking, immigration and (to some extent) sex work discourses. The validity of these public assumptions was challenged by 11 (17%) of the 65 interviewees, who offered contrasting experiences and perceptions of Asian workplaces.8 This group of workers spoke of the various ways Asian establishments enabled emotional, information and business management. It should be noted that being an 'Asian brothel' or 'Asian massage shop' can refer to a range of meanings or characteristics. This may refer to the ethnicity of the owners, the ethnicity of most of the workers, management ethos and/or how the business markets itself, such as the use of Asian or Orientalist names or imagery. Businesses may change over time from Downloaded by [University of California, San Diego] at 22:47 15 January 2017

a 'Western' business to an 'Asian' business, depending on management and/or staff changes. Although there are diverse factors that can categorise a business as

'Asian' or 'Western', there was general consensus among workers and key informants in the community about which businesses could be categorised as 'Asian' or

'Western'. While 'Western' or 'White' businesses were generally perceived to be staffed by a range of races and ethnicities, it should be noted that Asian businesses

could also have racially or ethnically diverse staff. For example, one manager/

worker9 of an 'Asian' establishment explained the value in employing racially and ethnically diverse staff:

Indian guys [customers] like White girls, so [it's good to] have a couple of White girls, with nice body. ('Lily', naturalised citizen, Asian, Vancouver,

massage shop worker)

The value of working in an Asian business included language familiarity but also a certain level of cultural familiarity in a stigmatised sex work sector. Preferences for Asian establishments mostly related to emotional and business management, rather than information management (as defined at the start of this chapter). Four of the 11 workers who stated a preference for Asian workplaces explained that it was easier to get along with colleagues if they shared the same language, food and cultural background. In a stigmatised work sector that has often been grossly misrepresented in the public domain, participants discussed how cultural familiarity could foster comfort with one's co- workers, which in turn enabled workers to share knowledge about the industry, for example: I haven't been to the Western shop yet, always Asian cause it's more comfortable for me because at the start my English wasn't that good. And I didn't know about this business. I think if the boss or girls, most girls they are my nationality, or Asian, it's more easy for me to get comfortable.

('Ruby', permanent resident, Asian, Melbourne,

licensed brothel worker)

First thing [when I was looking for work], must looking for the Asian place.

Because same food, same language.

('Gigi', naturalised citizen, Asian, Melbourne,

licensed brothel worker)

'Coco', an Asian permanent resident working in a Vancouver massage shop, explained that socialising would not be as easy in Western businesses, arguing that Western workers had "different thinking, different culture, different habit".

Four of the 11 workers explained that women tended to quietly sort themselves racially or ethnically (in both predominantly Asian and non-

Asian workplaces), with Asian workers often sharing one break room and non- Asians sharing a separate break area. In part, this was explained as a strategy to reduce potential con-Downloaded by [University of California, San Diego] at 22:47 15 January 2017

flict or offence because, as 'Coco' explained, workers "don't want to make mistake, [don't want] fighting".

In addition to social familiarity and emotional comfort, 10 women (of the 11

workers who stated a preference for Asian workplaces) argued that they were likely to earn more money in an Asian business, due to clientele and management norms. Interviewees spoke of coming to these conclusions based on their

146 Co-workers, clients and knowledge production experience, but also based their strategies by theorising how clients might choose between establishments. Interviewees anticipated that working in Asian businesses would simply guarantee that the majority of clients would be interested in seeing Asian workers, as opposed to Western businesses which were perceived to attract fewer clients specifically interested in seeing Asian workers.

The Western [business], is different cause if the customer, [if] they know that [is a] Western shop, you know, many of them go there just for Western girls. So it's less chance for Asian girls to get job as well.

('Ruby', permanent resident, Asian, Melbourne,

licensed brothel worker)

If Asian girl, she go Aussie shop, you know, she not busy. Because [in]

Aussie shop, only the customer want the Aussie [worker] . . . [if] customer want Asian [worker], they come [to] the Asian shop.

('Gigi', naturalised citizen, Asian, Melbourne,

licensed brothel worker)

Workers also felt that Asian management norms were more likely to ensure a steady influx of customers, although Asian management norms differed between Vancouver and Melbourne. While Asian businesses were described as more structured in Melbourne, workers in Vancouver were more likely to describe Asian businesses as more relaxed and less rigid than Western businesses.

Although this sounds contradictory, the meaning of 'relaxed' or 'rigid' differed between interviewees in the two cities, as discussed below. Despite these differences, consistent among interviewees in both cities was the view that Asian businesses were likely to be more profitable for Asian workers, and that Asian business norms were likely to produce a more consistent source of income.

Asian businesses in Melbourne, compared to Western businesses, often involved longer shifts and stricter requirements regarding working hours, punctuality and attendance, as 'Ruby' and 'Cici' explain:

Aussie shop is like . . . you can come and go anytime you want. So that makes like, sometimes not enough girl at all [on shift]. Sometimes too many girls at weekend or at night. So you can't guarantee how much money you

can make. Here [in Asian shop] got average [number of girls working]. If not too bad, you can get average money, so it's not bad. Most Asian shops like that. Like you have to book and make appointment . . . [so you know]

how many girls working today.

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('Ruby', permanent resident, Asian, Melbourne,

licensed brothel worker)

Asian shops is tight. Tight mean[ing] is . . . if I want to work today I need to work [from] the time open the shop until finish, unless you have some very important things [to do elsewhere]. But Aussie shop, doesn't matter,

whenever you want to go, you go; whenever you want to work, you do

[work], like this. Very flexible, and very free . . . prefer for relax, Aussie shop; prefer for money, Asian shop.

('Cici', permanent resident, Asian, Melbourne,

licensed brothel worker)

Workers agreed with these norms from a business perspective, which mirrored their mentality that sex work, was, above anything else, 'just a job'. Workers who valued Asian management norms argued that a more structured environment was better for business, which ultimately benefited workers. The perception of Asian brothels as more structured environments in Melbourne contrasts with the depiction of Asian and Western management norms in Vancouver.

Western massage shops are noticeably fewer in number in Vancouver than in

Melbourne10 and tend to market themselves as more high- end. Three of the five women with experience working in Vancouver's Western businesses remarked on the numerous rules and expectations they were expected to fulfil regarding grooming, behaviour and presentation in addition to service, as 'Jade' stated: You need to be wearing your high heels all the time. You need to be wearing your lingerie all the time. And when you go upstairs, always wear your stockings. And no hoodies. Like, when the winter gets cold, girls like to wear something to keep themselves warm. No hoodies.

('Jade', international student, Asian, Vancouver,

massage shop worker)

There is a higher percentage of Asian establishments in Vancouver11 than in Melbourne, and these businesses appear to operate on a smaller scale, in terms of relatively fewer workers per shift, more modest facilities and less prominent advertising. The smaller scale of Asian establishments afforded some advantages. For example, three workers appreciated the smaller number of workers that were scheduled per shift, for a range of reasons. As 'Jessica', an Asian naturalised citizen working in a Vancouver massage shop, argued, "I don't want to work with ten girls". She disagreed with other businesses where a larger number of workers might be required to introduce themselves to every customer for their selection. She did "not like that feeling" and preferred her current workplace practice of scheduling approximately three workers per shift. For 'Nancy', limiting the number of workers on shift was not so much about discomfort with client selection processes, but about ensuring a consistent income:

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I don't like too many [workers on shift]. I like 3, 3 girl, ok. Girl come here,

[can] make money. Too many girl, no money. . . . If lots girl in here, I only maybe do one, maybe do two [customers].

('Nancy', naturalised citizen, Asian, Vancouver,

massage shop worker)

148 Co-workers, clients and knowledge production As mentioned in the previous chapter, workers in Melbourne's licensed brothels similarly felt that a smaller number of workers per shift enabled a more equitable distribution of customers, while still ensuring enough staff were around to protect workers' safety. Asian businesses in Vancouver also appeared to allow for more internal regulation by workers, one key example being 'taking turns'. This was one way workers decided how to allocate customers among themselves and allowed workers to exercise more control over who clients could book. Numerous businesses had security cameras

set up at reception or in the staff room, which allowed workers to see customers entering the establishment. This provided workers with some information about customers, for example whether the customer was a regular, known to the worker through social networks or a new customer. 'Coco', an Asian permanent resident working in a Vancouver massage shop, explained that there were four types of customers: (1) one that would see you exclusively, "like a boyfriend", (2) regulars that would mostly see you but who may book another worker from time to time, (3) new customers who preferred to be introduced to all of the workers on shift before booking a session with one worker, and (4) customers who had no strong preferences for workers, other than availability. In the second and fourth groups, workers could sort among themselves who would introduce themselves to the next customer or the choices that would be presented to these customers. She explained that for these groups, seeing a massage shop worker was like getting a haircut: if one worker is busy, "another will cut for me". By contrast, in Melbourne's licensed brothels, introducing all workers to every client appeared to be standard practice (in both Asian and Western businesses), after which a client would indicate his choice to the receptionist.

Although Asian management norms were described in contrasting terms between Melbourne (structured) and Vancouver (relaxed), the characteristics valued by workers were meant to achieve similar outcomes, specifically a more reliable and consistent income, whether this was achieved through greater demands on workers' reliability as in Melbourne or in the informal management of clientele among workers as in Vancouver. The distinctions between Asian and Western management norms is an example of one of the frameworks women used in order to structure their work, based on their knowledge of the industry.

In the discussion above, preference for working in Asian businesses was based on workers' knowledge of different management models in addition to anticipating how a customer would seek out commercial sexual services.

Managing race, ethnicity and nationality with clients

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The following discussion builds on workers' analysis of client perceptions and attitudes by examining how workers managed race, ethnicity and nationality with clients. Race, ethnicity and nationality were managed with clients as part of workers' efforts to: (1) ensure their safety and well-being, and (2) facilitate their economic mobility.

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Safety and screening

Sex workers managed race, ethnicity and nationality through two key safety strategies. The first pertained to sex workers' social safety by avoiding or carefully screening clients of the same nationality or ethnicity. The second referred to sex workers' perceptions of South Asian clients and how this related to sex workers' physical safety. As discussed in Chapter 5, eight (12%) of the 65

workers interviewed took care to avoid clients of the same ethnicity and/or nationality to reduce social stigma. Although this is a minority of the workers interviewed, this warrants examination as those who identified this as a strategy argued that this was a well- known strategy among other workers they knew. By contrast, only one interviewee specifically sought out clients of a similar ethnic or cultural background. Sorting clients by ethnicity or nationality mainly related to managing one's belonging within a particular community, but notions of belonging and community varied across workers. For example, 'Cici', a licensed brothel worker in Melbourne, argued that judgement or disrespect from a Korean customer would have a greater impact on her than a customer from a different background:

Cause same country, [we] can talk in same language so we could feel [impact]

more than English. . . . You know, like, 'fuck' . . . [in] Korean 'shiba' is very same, same mean[ing] but 'fuck' is just joking. But if [you're from the] same country [and] people say 'shiba', it's more, feeling more bad.

For other workers, screening out clients of the same ethnicity depended on the ethnicity of one's social networks. 'Amanda', a Chinese worker, admitted she would take greater precautions if she had grown up in Australia. As a relative newcomer to Australia, her ties to the Chinese community in Australia were limited and therefore less of a concern.

Because I don't have any Chinese friends here in Australia. Because the friends I know is not here. So I'm like, it's ok [to see Chinese clients]. But if I was brought here when I was three or four, [if] I have schoolmates here, I have all my family, then I would be very, very cautious, try to not to bump into them.

('Amanda', international student, Asian, Melbourne,

licensed brothel worker)

Avoiding clients of the same ethnicity and/or nationality was stated as one of the Downloaded by [University of California, San Diego] at 22:47 15 January 2017

few generally acceptable reasons to refuse a client. Interviewees stressed that they were not and could not be forced to do anything they did not want to do, but there was an expectation by management that workers would see clients who selected them. This expectation was more prominent in Melbourne, where client selection is the norm. When workers were asked about how they screened or sized up clients, workers stated that they had to carefully consider when to refuse

150 Co-workers, clients and knowledge production a client as consistent refusal of clients could have consequences for one's job, such as limited access to preferred clients or losing one's job. One of the acceptable reasons for refusing clients that would not incur subtle or overt consequences from management was avoiding clients from one's community, often

one's ethnic community.12

The other main intersection between race, ethnicity and nationality, and sex workers' safety was the strong prejudice against South Asian clients (e.g. clients of Indian, Pakistani, Bangladeshi and Sri Lankan ethnicity), mostly from ethnically East Asian and Southeast Asian workers. Fourteen (approximately 22%) of the 65 interviewees (five in Melbourne, nine in Vancouver) identified South Asian clients when asked to describe troublesome clients or customers. This is a substantial minority and warrants a closer analysis for a number of reasons. First, South Asian clients were the most commonly mentioned group when workers

talked about problematic clients. Most descriptions of bad clients typically referred to specific behaviours such as non- payment or disrespectful behaviour, rather than particular groups of men, with the exception of South Asian men.

Second, comments about South Asian clients were qualitatively different from comments about other clients in general (i.e. not specifically about abusive clients). Workers commented on other ethnicities, but these tended towards casual observations, such as the preferences of particular groups. Comments about South Asian clients were much more emotionally charged, insistent and absolute than comments about other groups. Interviewees used words such as

'hate', 'worst', 'cheap' and 'rude' when talking about South Asian clients. South Asian clients elicited strong emotions, as 'Andrea' demonstrates:

Bad customers, like East Indians, they don't take care of the girls, they treat us like dog. That's bad customer, especially East Indians. Most worst people in the world. . . . It's garbage. [They are] too bad, they dirty. Even they are rude . . . I mean the first generation coming from immigration, from the East Indians, they are really bad. They're rude.

('Andrea', naturalised citizen, Asian, Vancouver,

massage shop worker)

Workers spoke about South Asian clients who challenged workers' instructions, exhibited questionable hygiene, disrespected workers,

demonstrated stubborn-ness and attempted to evade payment through theft, intense bargaining or refusals to pay. Workers in both cities argued this was common knowledge in the industry, as 'Suki', an Asian international student working in a Melbourne licensed brothel, states: "Every girl hate Indian, they are famous bad, very rude."

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Four of the 14 workers attributed this to culture and perceived South Asian culture as 'anti- woman' in general. Culture was also used to distinguish between groups among South Asian clients, with workers generally noting that Indian clients who were born or raised in Canada or Australia were not as troublesome.

Compared to the strong prejudices expressed mostly by East Asian and Southeast Asian workers, the comments of two ethnically South Asian sex workers

offer a revealing counter- perspective. For example, 'Anita' shared some of the same criticisms expressed by East Asian and Southeast Asian workers but also recognised the diversity among South Asian clients:

The reason I don't like telling South Asian guys that I am South Asian is because [of how] they treat women. When they come in, most of them will

come in with the concept that 'I'm paying you, you do whatever [I want]'.

And they're the ones who ask for the most amount of unsafe services. And they don't maintain good hygiene. They're not your ideal client, basically.

Like, some of them are very nice, very polite. But most of them have the typical concept of how women are below than [men]. . . . Every girl who's new to the industry, I suggest they be more careful, especially with the older South Asian men, because they've gone around in India and had unsafe services.

(‘Anita’, international student, South Asian, Vancouver,

independent worker)

‘Farah’, a Canadian worker of South Asian descent, was very aware of the prejudice against South Asian clients but had contrasting experiences. She expressed a preference for South Asian clients because of a shared cultural background and familiarity. Her comment below offers a starkly different portrayal of a heavily racialised group but also suggests that both workers and clients can racialise each other:

[I]f you look on [review] boards13 or sometimes when I just talk with other girls at brothels, there’s a hatred of Indian or Middle Eastern clients. . . . Now this is something I’ve always found really strange. When I see an Indian guy or I see like Middle Eastern, maybe because I’m the same nationality or just for whatever reason is the context, they’re treating me super well. Very respectful, like scared to almost [touch me], kind of elevating me, you know

. . . and then sometimes they will tell me, ‘oh, I don’t like seeing White escorts, they have no respect for themselves’. So I think it’s kind of more both sides . . . they already have this kind of attitude towards each other, a very poor kind of perception. And it reflects on how they meet each other.

But I don’t have that. I don’t know, that always kind of just boggled my mind.

(‘Farah’, Canadian- born citizen, South Asian/European,

Vancouver, independent worker)

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The contrast between the negative experiences of largely East Asian and Southeast Asian workers and ‘Farah’s’ experience with and preference for South Asian clients suggest that racialisation may be a factor in how clients treat workers and vice versa. Although ‘Farah’s’ sole counter-

perspective prevents definitive conclusions, it is possible that clients treat workers who are 'different'

from them differently. The following continues the discussion of racial, ethnic

152 Co-workers, clients and knowledge production and national differences (or similarities) between workers and clients by considering how these factors affect the 'market value' of 'difference' or how workers can profit from their 'difference' in the sex work sector.

Economic mobility and the value of 'difference'

Social difference has value in the sex industry, which sex workers capitalised upon in multiple ways. While avoiding clients of the same ethnicity or nationality was a safety strategy for some workers, five other workers discussed how difference could be a competitive advantage when it came to attracting clients, as

'Susie' and 'Ava' explain below:

[M]ostly Filipino [clients] doesn't like [to see workers of the] same nationality

. . . they like blonde girl. Doesn't like same [workers of similar background].

('Susie', naturalised citizen, Asian, Melbourne,

licensed brothel worker)

I knew I had comparable advantage [in a non- Asian business]. If you can speak English, there's no point of going to Asian parlour because you have, look- wise you have too much competition. Because at least, at the end of the day, it's not even how pretty you are, it's about how different you are.

('Ava', permanent resident, Asian, Melbourne,

independent worker)

Client preference for 'difference' can also suggest socially safe services, in that workers of a different ethnicity may be less known to the client socially but also less likely to disrupt clients' ideas of what 'appropriate' women should be doing.

As discussed in Chapter 5, workers managed the social baggage or the social assumptions that came with seeing clients of the same ethnicity or nationality. In addition to the appeal of 'difference' for particular clients, interviewees also recognised the value of Asian workers in the Canadian and Australian sex industry. Workers among the 11 interviewees who stated a preference for Asian workplaces (as discussed earlier) argued that part of this was due to the work ethic Asian workers demonstrated. Interviewees also discussed the appeal Asian workers held for clients, in terms of service provision as 'Nancy' explains or physicality as 'Bee' states:

Yeah, customer like Chinese girl more . . . Chinese girl very nice, sweet, good massage. English girl don't good massage. Customer come here, want

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enjoy massage, good massage, good service. English girl don't massage.

('Nancy', naturalised citizen, Asian, Vancouver,

massage shop worker)

I think we're very, very different, especially cleanliness. Especially Thai, I don't know much about other Asian women. . . . The general looking after

themselves is not the same as us. I'm not trying to say compliment to my own people, but this is the truth. Thai women would look after ourselves

really well.14

(‘Bee’, permanent resident, Asian, Melbourne,

licensed brothel worker)

The currency of exoticised femininities (both Asian and non- Asian) was particularly salient for eight of the 12 private, independent workers who, by the nature of their work, are responsible for their own marketing, advertising and client screening. For three of the 12 independent workers interviewed, this also involved performing an ethnicity different from their own. In the brothel and massage shop sector, workers and managers share the task of constructing exoticised femininities or exoticised difference: Workers may perform or embody exoticism but the advertising and marketing of particular femininities may fall to management. For independent workers, the construction of exoticised femininities involved advertising text and imagery that evoked mystique and Orientalism, as well as playing with Western ideas of ‘the ethnic’, as the following two workers explain.

[On emphasising an Eastern European15 identity in her advertising] [It’s] for business, because some people have specific fetish for [Eastern European]

women. . . . And I mean, I don’t usually entertain those notions, cause I’m like, women are people and I’m not a fucking two- dimensional whatever.

But it’s like, if they pay me . . .

(‘Lara’, naturalised citizen, European, Vancouver,

apartment- based worker)

[On choosing a Middle Eastern persona] I’m fascinated with [it]. . . . I mean it’s close to our culture, it’s something I can pass for. I’ve been to the Middle East. And when I meet clients, I’m quite honest. I tell them, no I’m not, I’m not Persian or Arabic . . . it’s just to mostly protect my [ethnic] identity, I guess . . . Middle Eastern, I can kind of play off that Orientalist fantasy

. . . you know, this is advertising. So I'm trying to appeal.

('Farah', Canadian- born citizen, South Asian/European,

Vancouver, independent worker)

The intersection between racialisation and exoticisation in the sex industry is complex. The ability to perform exoticised femininities has value in the sex industry that workers can construct, play with and benefit from. Exoticisation Downloaded by [University of California, San Diego] at 22:47 15 January 2017

can be understood as one process or outcome of racialisation, yet in cities with large Asian communities, being Asian may be simultaneously exotic (in terms of difference from Whiteness) and familiar (in terms of city demographics). The economic consequences of exoticism and familiarity are discussed further by

'Ella', who reveals the limited extent to which Asian femininities can be exoticised or 'different', given their prevalence in the industry.

154 Co-workers, clients and knowledge production Before, it was good because guys had that Asian fetish, right—geisha, you know, exotic fetish. But now, we're [Asian workers] not exactly rare. You know, it's like we get people calling (in an urgent tone) 'do you have a White girl?' you know, serious! . . . They'll maybe try a White girl once but they always like Asian, I guess.('Ella', naturalised citizen, Asian, Vancouver, massage shop worker)

The experiences of racialised workers illustrate these contradictions. On the one hand, racialisation can produce femininities that are easily exoticised and marketed. On the other hand, the culture in both Australia and Canada that continues to heavily privilege Whiteness maintains a context where racial, ethnic or cultural difference is still too often conflated with vulnerability. Workers who are perceived to be immigrants or migrants can face challenges that are different from those who are automatically assumed to be 'Canadian' or 'Australian', i.e.

White women who speak English with Western accents.

One of these challenges involved engaging with clients that argued for lower rates and reduced autonomy for immigrant, migrant and racialised workers. It is important to note that the following comments by clients constitute a minority.

Given the entrenched social stereotypes and gross misinformation about sex work, those unfamiliar with the industry can often mistakenly assume that abuse by clients is the norm. This assumption, often bolstered by sensationalistic media stories, was not the experience of women interviewed. In interviews, most participants were very open to discussing and analysing client behaviour and attitudes. Women were asked about the characteristics that differentiated good and bad clients. All interviewees distinguished between 'good' (e.g. respectful) and

'bad' (e.g. abusive) clients. This was often followed by questions on women's strategies for dealing with bad clients and retaining and attracting good or preferred clients. The overwhelming majority of interviewees reported that most of their clients were respectful, followed workers' instructions and did not cause any concern or alarm. In order to glean more precise information about abusive clients, I asked some women if they could offer a ratio or percentage of the problematic clients they encountered. Of the 21 workers that provided such estimates, one worker said she would categorise only 20% of her clients as 'gentle'

and another worker said half the clients she encountered were bad, and half were good. The remaining 19 workers who provided estimates said good, respectful clients were the norm, with six of these workers stating they had never encountered an abusive client. Of the 44 workers who did not provide specific estimates, abusive or troublesome clients were still described as the minority (and Downloaded by [University of California, San Diego] at 22:47 15 January 2017

often a very small minority) or the exception. Although the following instances represent a minority of disrespectful clients, it demands a closer examination given the expectations clients attempted to inculcate with immigrant, migrant and racialised workers. For example, a small minority

of clients attempted to persuade interviewees that lower rates were the norm for immigrant, migrant and racialised workers:

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[T]hey think you'll take nonsense. Sometimes, my accent is used against me, clients saying 'I can't understand what you say', or [they] think you don't have friends or family, they think you're vulnerable, they think you don't know the resources here as an immigrant, they think they can scare you, think you have nowhere to go . . . it does go against you . . . I had one client offer $100 for two hours. I said no. He called me and left a nasty message, 'go back to this country if you don't want my money' . . . I've been bashed on review boards—clients blaming my behaviour on my upbringing,

on my country, [saying] 'that's not how we do things here'.

('Ellie', naturalised citizen, Eastern European, Vancouver,

independent worker)

[A] lot of guys expect me to charge less cause I'm [a woman] of colour. . . .

[N]obody wants to pay too much for an Asian girl 'cause they're so many.

And the Caucasian girls are all like expensive. So, if you find something cheap, omigod, there must be something wrong with her. So Caucasian girls can't really get away with charging too less either.

('Anita', international student, South Asian, Vancouver,

independent worker)

Asian workers, particularly independent workers, spoke about resisting client assumptions that Asian workers should expect to be paid less than 'Australian'

or 'Canadian' (i.e. White) workers. Although participants did not specify so, independent workers may face more questions about their rates given

their flexibility to determine their rates. Prices in collective workspaces may be less open to negotiation, compared to rates set by independent workers. Prices in Melbourne's licensed brothels are more likely to be determined by management. For women working in Vancouver's massage shops, rates may be vari-

able but still set within a normative range based on consensus with other workers and management. For the Asian workers below, clients sought to normalise lower pay for Asian workers in the Australian and Canadian sex industry:

There are clients who think that as an Asian, Asians should not be upmarket, they're not considered upmarket. And if you try to do position yourself with a rate higher than what people usually pay for Asians in a parlour, in a brothel, then you have to be really, really outstanding, you have to work much harder to make a name for yourself and to be able to command higher *Downloaded by [University of California, San Diego] at 22:47 15 January 2017*

rates than anyone else.

('Melissa', visa holder, Asian, Melbourne, independent worker)

[T]he problem was these guys [on one advertising website] . . . they saying

'oh, you're Asian, why you charging so much?'. That was complaint that I got, 'you should charge low'. But when I saw that was a, excuse my

And then increase my rate, and then at the higher rate—I got way busier.

('Ava', permanent resident, Asian, Melbourne,

independent worker)

I know who I am and I know what I stand for. And if anyone who come in,

they say ‘oh, you’re Asian, I usually pay Asian girls $100 for sex’, I will say no.

(‘Jade’, international student, Asian, Vancouver,

massage shop worker)

As stated before, it is important to remember that the above constitutes a minority of disrespectful clients for most workers. Indeed, client expectations for cheaper Asian labour were expressed less frequently than non- Asian sex workers’ suspicions that Asian workers were offering services for substantially lower prices. This was not often expressed in formal interviews but in informal conservations before and after the interview, during participant recruitment and within the community. For example, some women casually mentioned their suspicions of Asians driving down rates in informal discussions about recruitment criteria and research objectives with potential research participants. Whether these suspicions are based on racial stereotypes or actual practice is difficult to confirm, particularly as women who expressed these suspicions often admitted they had not worked with Asian workers. A close examination of prices is beyond the scope of this research but a quick glance at prices in brothels and massage shops suggests that pricing differences may be influenced more by client perceptions rather than management practices. Although I did not review prices closely, sharp price differences between Asian and Western brothels and massage shops were not immediately apparent when I was recruiting participants or conducting interviews in these workspaces. In Melbourne, where both Asian and Western businesses operate across different ‘classes’ (e.g. mid- tier, high-end), there did not appear to be a wide difference in the rates that clients pay.

The ‘cut’ that each worker gets from the client’s payment may differ, but it was hard to discern a trend from interviews, with different workers stating that Asian brothels paid more than Western brothels and others claiming the opposite. In Vancouver, Western massage shops are fewer in number, but it was still hard to discern sharp differences between ‘tips’ at Asian and Western businesses, based on workers’ comments alone. The workers who did discuss their rates encompassed a wide pricing range. Yet sex workers’ suspicions of other workers’

under- charging remained.

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Clients' attempts to normalise lower pay for immigrant, migrant and racialised sex workers also present an interesting contrast to sex workers' suspicions of under- charging by the same group of workers. Comments by sex workers were much more likely to locate the blame for under- pricing solely with immigrant, migrant and racialised workers, rather than 'the market'. This was at times attributed to ignorance of industry norms (i.e. 'they don't know any better')

and/or the individual morality of other workers (greed, selfishness). This attribu-tion contrasts with client attitudes, as a minority of clients attempted to frame lower rates for immigrant, migrant and racialised workers as outside the control of individual workers, as a 'natural', commonly understood norm of the Australian and Canadian industry that immigrant, migrant and racialised sex workers were expected to conform to. Perceptions of the racialisation of pay in the industry is troubling, as is sex workers attributing blame to immigrant, migrant and racialised sex workers. The findings described above reveal the additional labour involved if a client believes that Asian workers should typically be paid less for more labour. Although the identification of low rates is a problem many in the industry are invested in rectifying, where the blame is placed may distract workers and allies from identifying how this might be addressed.

Asian interviewees spoke of the value of Asian sex workers in the Canadian and Australian sex industry, both in terms of work ethic and the type of sexualised femininities offered. Yet workers have to negotiate the contradiction between the currency 'difference' offers, particularly difference that can be easily exoticised, with enduring expectations for cheaper Asian labour. Suspicions about the influence of immigrant, migrant and Asian workers on industry rates from non- Asian sex workers, and/or Asian workers unfamiliar with Asian businesses, create additional

labour that immigrant, migrant and racialised workers may have to address. On the one hand, clients sought to normalise lower rates for 'different' workers, even as sex workers attempted to locate blame for lower rates on other sex workers' ignorance or character. This contradiction ultimately leaves immigrant, migrant and racialised workers in a difficult position, where they may be challenged by clients for demanding rates similar to White workers, even as they are held responsible for clients' unwillingness to pay higher rates by other sex workers. This scenario, where immigrants and migrants are held solely responsible for reduced wages and working conditions in a market that attempts to normalise reduced wages and working conditions, is not unique to the sex work industry. Other industries that have attempted to deal with discriminatory attitudes towards migrants (or those assumed to be migrants) may offer transferable insights to the sex industry.

Conclusion

As mentioned at the start of this chapter, accessing useful knowledge on how to work in the sex industry can be a challenge for potential and current sex workers, due to factors such as stigmatisation and criminalisation. This chapter investi-Downloaded by [University of California, San Diego] at 22:47 15 January 2017

gates how sex workers produce and create professional knowledge about sex work through two broad relational dimensions, namely through their interactions with co- workers and clients. In the first section of this chapter, discussion of the three protective, professionalism and solidarity approaches confirms the significance of workplace dynamics with other sex workers, not only as a safety strategy, but as a site of knowledge production. Women's interpersonal dynamics

158 Co-workers, clients and knowledge production in collective workspaces functioned as both a way to structure their work (e.g.

determining work–life boundaries) and a source of 'data' from which generalisa-tions about the sex industry could be drawn (e.g. as a site of risk, competition or solidarity).

The other relational dimension explored in this chapter concerns the use of race, ethnicity and nationality to negotiate safety and mobility in sex work. In public debates about immigrant, migrant and racialised sex workers, it can be tempting to focus solely on racialised bodies and the risks and vulnerabilities such bodies are assumed to carry. This chapter seeks to analyse race, ethnicity and nationality in sex work beyond the body, and to examine the use of race, ethnicity and nationality as a negotiated relation. As discussions with women revealed, there is a diverse range of meanings attributed to race, ethnicity and nationality, which has consequences for how women work. For example, in this study, 'Asian- ness' held different meanings for Asian sex workers, non- Asian sex workers and clients. For some Asian workers, Asian workplaces in the sex industry signified greater access to knowledge (through smoother relationships with workers of the same ethnicity) and a stronger guarantee of a more consistent income. For a worrying albeit small minority of clients, 'Asian- ness' signified an expectation of undervalued or underpaid labour. The race, ethnicity and/or nationality of both the sex worker and the client were also used to negotiate expectations of how each should interact with the other.

Theoretically and empirically, the use and management of race, ethnicity and nationality by immigrant, migrant and racialised sex workers challenges the simplistic analysis of racial and ethnic difference as vulnerability or risk that is often employed in public, policy and research discourses, as discussed in

Chapter 2. Research has analysed how immigrant, migrant and racialised sex workers may face different risks than White workers in Western countries, but the views of sex workers in this study suggest that there may be other dimensions of race, ethnicity and nationality that are overlooked. These include the use and management of race, ethnicity and nationality to make money and select preferred working environments, as well as managing safety. The contradictions and complexities of how sex workers manage race, ethnicity and nationality in the workplace also provides an important reminder that sex workers' rights efforts should also take care not to reproduce a vulnerability/

risk dichotomy. As discussed earlier, some sex workers were not immune to categorising vulnerability and risk by race, ethnicity and nationality. An uncritical acceptance of a vulnerability/risk dichotomy misses an opportunity to reflect on why 'difference' from Whiteness is assumed to pose such a risk for sex workers. Current public discourses continue to locate vulnerability and risk Downloaded by [University of California, San Diego] at 22:47 15 January 2017

within racialised or 'different' bodies in the sex industry, but it may be more productive to reflect on why threat against 'the Other' is normalised in Canada and Australia. Understanding race and ethnicity beyond vulnerability and risk can also clarify opportunities and challenges for fostering solidarity among very diverse groups of women in the sex industry.

Notes

1 Prior to 6 December 2014 (and during the course of fieldwork), Sections 210–213 of the Canadian Criminal Code (http://lawslois.justice.gc.ca/eng/acts/C- 46) prohibited assisting anyone to work in sex work (procuring), living on the avails of prostitution (e.g. earnings), owning or occupying a place regularly used for sex work (or 'bawdy house') and talking to potential clients publicly (soliciting). On 6 December 2014, Bill C- 36, or the Protection of Communities and Exploited Persons Act, came into force. This Act continues the criminalisation of persons who assist sex workers in their work, by prohibiting "receiving a material benefit" from sex work- related activities and displaying advertisements for sex workers, and reintroduces an offence that prohibits "the procurement of persons for the purpose of prostitution" (www.parl.

gc.ca/content/hoc/Bills/412/Government/C- 36/C- 36_4/C- 36_4.PDF).

2 For example, most interviewees in this category largely focused on their interactions with clients rather than their co- workers during interviews. Other reasons for inclusion in the 'unspecified' category included not

having any experience in a collective workspace, or recently starting at a new workplace and therefore being unfamiliar with colleagues.

3 It should be noted that being an 'Asian brothel' or 'Asian massage shop' can refer to a number of characteristics. This may refer to the ethnicity of the owners, the ethnicity of most of the workers, management ethos and/or how the business markets itself, such as the use of Asian or Orientalist names or imagery. Although there are diverse factors that can categorise a business as 'Asian' or 'Western', there was general consensus among workers and key informants in the community about which businesses could be categorised as 'Asian' or 'Western'.

4 This interview was interpreted by a NAATI- accredited interpreter (National Accreditation Authority for Translators and Interpreters Ltd) and community leader in Melbourne.

5 This interview was interpreted by a NAATI- accredited interpreter and community leader in Melbourne.

6 It should be noted that conflicted co- workers were not coerced or forced into sex work, but expressed conflicted feelings about whether they should be working in sex work.

7 As noted in the Introduction, in this study, race refers to (at times contested) social identities that broadly relate to one's physiognomy or how one's body or face is

'read'. Asian and White are the main racial categories referred to in this chapter.

Ethnicity is used to refer to more specific groupings that can be both linked to or separate from cultural identity and nationality; for example, Chinese, Korean and Thai would constitute ethnic identities rather than racial identities. Nationality is used to refer to one's state identity or, more simply, what passport or citizenship a person holds.

8 Only one Asian worker said she preferred to work in Western brothels, as she felt it was easier to market her 'difference' in a non- Asian

establishment. Remaining interviewees either did not specify a preference, were not familiar with both Asian and Western businesses (and felt unable to offer a comparison) or stated that other factors were more important in choosing a workplace.

9 There are differences between the two cities in how worker responsibilities are deter-Downloaded by [University of California, San Diego] at 22:47 15 January 2017

mined in the workplace. There was greater fluidity between staff roles in Vancouver's industry. For example, managers may be former or current sex workers, and/or sex workers with more seniority may take on informal management duties. By comparison, the legalisation framework in the state of Victoria requires much sharper distinctions between staff roles in Melbourne's sex work sector, as individuals are required to obtain a licence to apply for management positions in the industry (www.consumer.vic.gov.au/

businesses/licensed- businesses/sex- work-service- providers/brothel-managers).

10 In Melbourne, this information was obtained through Resourcing health & EDucation (RhED), a specialist service for the sex industry in Victoria. RhED outreaches to 93

licensed brothels listed in their magazine, RED: The Magazine for the Sex Industry. In April 2013 and January 2014, Mardi Kennedy identified which brothels were predominantly Asian and which brothels were predominantly Western. In Vancouver, this information was obtained through Supporting Women's Alternatives Network (SWAN), the only community organisation that caters to immigrant and migrant women in the sex industry. In December 2013 (when fieldwork was concluding), SWAN was conducting outreach to 56 businesses in Vancouver, Burnaby and Richmond. Of these 56 businesses, 47 were identified as predominantly Asian, and nine were predominantly Western or mixed.

11 Ibid.

12 Clients who were visibly intoxicated or under the influence of substances were also readily screened out and refused by sex workers, receptionists and managers at many establishments.

13 Online forums where clients and sex workers can post and respond to reviews of sessions.

14 This interview was interpreted by a NAATI- accredited interpreter and community leader in Melbourne.

15 The specific Eastern European identity is not identified, to protect the interviewee's privacy.

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8 Agency, security, mobility and social difference in sex work

This concluding chapter calls for a shift in how we analyse the agency of immigrant, migrant and racialised women in sex work. Social difference (notably racial, ethnic, linguistic difference) has been primarily used to analyse the risk and vulnerability of those perceived to be 'migrant sex workers', which has often included migrant as well as immigrant and racialised workers. Yet there is a risk of stunting our understanding of sex work if social difference is limited to assessing risk and vulnerability. There remains an opportunity to broaden analyses of social difference by exploring its role and function in women's mobility and security in sex work. This may better reflect the lived realities of women in sex work and advance conceptualisations of agency in sex work.

Rethinking the 'migrant sex worker' label

The diverse, prosaic realities of immigrant, migrant and racialised sex workers challenge the volatile and highly politicised associations that 'migrant sex workers' evoke in public, policy and research debates. As detailed in Chapter 5,

discourses have tended to focus on the legal consequences of non-citizenship for migrant sex workers. Yet the 'migrant sex worker' category is often used as a convenient shorthand for a diverse range of social differences, such as racial, ethnic, cultural and linguistic difference. For

example, in Australia and Canada, the label 'migrant sex worker' is often used to signal Asian workers, non-Western workers or non- White workers.

In both cities, the presence of diverse ethnicities is often taken for granted as an indicator of the cities' diversity and multiculturalism. However, sex work can render citizenship suspect for racially, ethnically and linguistically diverse sex workers. In public and policy debates around sex work in both cities, race, ethnicity and foreign nationalities still appear to be associated with vulnerability, risk Downloaded by [University of California, San Diego] at 22:47 15 January 2017

and the unknowable 'Other'. As discussed in Chapter 2, the consequences of being categorised as a 'migrant sex worker' can often include increased scrutiny and punishment from law enforcement and immigration authorities, perhaps most visibly in anti- trafficking measures (e.g. workplace raids, threat of deportation). The label 'migrant sex worker' can also result in social stereotypes that equate racial, ethnic and linguistic difference with victimisation or criminality.

162 Agency, security, mobility and social difference This study reveals that many women who may be assumed to be 'migrants'

(due to their race, ethnicity or language) or who may be targeted by interventions for 'migrant sex workers' (such as anti- trafficking measures) may not be migrants. Contrary to public and policy assumptions, most interviewees are naturalised citizens, permanent residents or otherwise have legal permission to work in Australia or Canada (57/65 interviewees or 88%).1 However, suspicions about workers' administrative status remains evident in the immigration checks that continue to occur in the workplace, as discussed in Chapter 5. These sex workers may often be assumed to be 'migrants' by law enforcement, anti- trafficking organisations and sex work organisations if they embody a range of characteristics associated with 'foreign- ness'; for example, if they are not White, if they do not speak English with a Western accent, or if they work in a business that predominantly employs or is staffed by non-White women.

The state fixation on legal residency or work status (and the risks and vulnerabilities associated with a precarious work status) sharply contrast with women's practice of social or affective citizenship and belonging. Women did not often express concerns about legal status, perhaps because legal status was secure for the overwhelming majority of interviewees. However, women did speak of the need to manage sex work in order to enable their other roles within the family, within the community and within broader society. A key example of this emerged in women's narratives of managing work and motherhood. While income from sex work enabled women to determine their mothering practices (e.g. staying home with the kids), the concealment of sex work was necessary if families were to derive benefit from the flexible hours and income afforded by sex work. In addition, women's discussions underscore the fact that a range of citizenship standpoints remains unacknowledged in public, policy and research discourses around sex work. The citizen/migrant dichotomy that continues to be utilised does not reflect women's lived realities of multiple or hybrid national identities, progressions from migrant to resident to citizen, and the factors that shape affective citizenship and belonging in different contexts.

The social or affective dimensions of citizenship may not at first appear to be relevant for state infrastructures that are tasked with governing immigration and citizenship. However, there is still a need to be critically aware of the analytical limitations these legal or administrative categories may have for researchers.

There can be a tendency in public and policy discourses to assume that one's legal status in a particular country can explain everything about one's experience, risk and vulnerability. Yet there may be a danger of blunting our understanding of the myriad configurations of citizenship and how these interact (or do not interact) with sex work. For instance, a migrant/citizen binary may be of Downloaded by [University of California, San Diego] at 22:47 15 January 2017

limited use in understanding the experiences of naturalised citizens and permanent residents who are legally entitled to the full range of rights and protections afforded to nationals but who may still be socially excluded

from privileges or benefits afforded to White, Western citizens. The numerous configurations of citizenship and national identity affirm that while law enforcement and immigration authorities may be required to use administrative categories, researchers and

other stakeholders do not have to. This points to a need for researchers to be aware of the uses of the 'migrant sex worker' category and what is expected analytically from the empirical categories used. During the course of this study, the challenges in using this category quickly became apparent and at times the

'migrant sex worker' category increasingly felt like a contrived way to contain what is actually a wide diversity of experiences. This raises the question of how to recognise the diversity of immigrant, migrant and racialised sex workers'

experiences, and the terms we use to signal that diversity. For example, is there a way to discuss the experiences of immigrant sex workers and racialised sex workers outside the 'migrant sex worker' category?

Greater clarity and precision regarding the 'migrant sex worker' category not only have empirical implications for researchers, but also practical implications for those tasked with governing migration, citizenship and sex work. The finding that most interviewees are Australian and Canadian citizens and permanent residents provides an evidence base that can be used to counter law enforcement measures, border control and anti-trafficking measures that continue to use ethnicity and racial difference to signal potential unlawfulness. The fact that many racially and ethnically diverse sex workers are in fact citizens and permanent residents may also shift the debate from one that is focused on policing administrative migrant status to one that recognises ethnically diverse women as citizens, permanent residents and community members. For instance, this includes recognising that debates about Asian women in sex work in both countries also means talking about (Asian-)Australians and (Asian-)Canadians in sex work. This points to a need for alternative ways of analysing social difference in sex work.

Alternative understandings of social difference in sex work

There still remains a significant gap between public and policy understandings of sex work and immigrant, migrant and racialised women's lived realities in the sex industry. Specifically, public and policy discourses still continue to understand sex work predominantly through a legal/illegal dichotomy, with associated calculations of risk, vulnerability and criminalisation. This stands in sharp contrast to women's deliberate and strategic efforts to ground and manage their work as work in relation to their roles as mothers, community members, citizens and residents (permanent or temporary). Women's prosaic view of the advantages, challenges and management of sex work clearly emerged from their narratives of citizenship and belonging, their mobilisation of legal or socially normative identities as a strategic part of sex work, to the establishment of work norms with co- workers in brothels and massage shops. And although safety is a *Downloaded by [University of California, San Diego] at 22:47 15 January 2017*

crucial priority for many sex workers, this research also demonstrates the importance of mobility and profitability in shaping women's work- related decision-making. In other words, making good money can matter as much as safety when making decisions about work, as evident in women's assessment of regulatory frameworks in Chapter 6 and the use of race, nationality and ethnicity to struc-

ture work practices in Chapter 7.

164 Agency, security, mobility and social difference As detailed in Chapter 6, sex worker rights groups globally oppose legalisation due to understandable concerns about excessive government control and interference. Yet the workers in this study still acknowledged the benefits of working in a space where they could be recognised as law- abiding workers. Of course, legalisation is not the only regulatory framework that offers sex workers this opportunity. Decriminalisation is globally advocated by sex worker organisations and their allies, as an approach that permits recognition of sex workers as lawful, agentic subjects without requiring excessive surveillance and without entrenching inequalities between 'legal' workers and 'illegal' workers. This study's findings do not

contradict global calls to decriminalise sex work, but rather highlight the crucial difference between decriminalisation and deregulation. The discussion of workers' management of workplace relations and practices in Chapters 6 and 7 suggest that workers do seek and maintain other forms of regulation to construct safe and profitable workplaces, particularly informal norms established in agreement with co- workers.

These informal regulatory norms within the workplace can intersect with race, ethnicity and nationality. Public debates about regulation and social difference can often slip into calculations of risk and vulnerability for stigmatised groups, but women's experiences demonstrate that both regulation and social difference can be marshalled to maximise mobility and profitability. For the workers in this sample, race, ethnicity and nationality were more closely linked to business concerns—such as advertising, service provision, client expectations and management expectations—rather than risk or vulnerability. For a number of workers, this included a preference for Asian workplaces, as these were perceived to guarantee a more consistent stream of income due to a more structured work environment. Another example of the management of race, ethnicity and nationality in the workplace regarded the extra labour some Asian workers enacted to challenge client expectations for more services and lower rates from Asian workers. Asian workers' resistance of these expectations challenged perceptions from non- Asian workers that Asian workers were lowering rates to increase their competitiveness.

These findings have direct relevance for law reform, policy development and social change strategies. They provide a detailed empirical knowledge base grounded in the voices, experiences and priorities of immigrant, migrant and racialised sex workers. This is all the more crucial given that these workers are often highly visible in public debates about sex work and trafficking, but are less often heard from. As with other social movements, the sex workers' rights movement has not been immune to critiques that it reflects the priorities of sex workers reflective of dominant, hegemonic ideals such as White, middle- class workers in Downloaded by [University of California, San Diego] at 22:47 15 January 2017

Western countries (Razack, 1998). Given its importance to sex workers, mobility may act as a useful and commonly valued starting point to discuss how women experience sex work differently based on their social location (e.g. socio- economic status, migrant status) and the consequences of social difference on sex workers'

mobility. Theoretically, centring mobility in analyses of sex work can also assist in advancing conceptualisations of agency in sex work.

Dimensions of agency: mobility and security

Researchers should be cautious about allowing debates about agency in sex work to be driven by the anti- prostitution framework. This risks assuming that the only debate about agency is whether women are capable of choosing to engage in sex work, rather than the myriad factors that shape how agency can be exercised across a diverse range of contexts. For those working from a labour perspective or sex workers' rights perspective, interrogating questions about agency within an anti-prostitution framework still remains an important challenge. Yet, it is important to realise that workers' creative and multifaceted exercise of agency consistently goes beyond these feminist debates. This is evident in workers' decisions on which clients to see, which workplaces to work at, how to work most effectively with other sex workers and clients, how to maximise one's income and how to work in a way that ensures one's safety and mobility.

In other words, theoretical understanding of agency in sex work needs to catch up with what women are routinely doing on a daily basis in the sex industry. One key way to do this is by centring mobility and security in any analysis of agency, or examining agency through its effects on worker mobility and security. Public and policy concerns with vulnerability and risk in sex work are present in workers' safety strategies. But what also emerged as key priorities in interviews, and what remains absent from dominant discourses, is how women strategise and shape their environments (not only to protect their safety but) to facilitate their mobility and maximise their income. If public, policy and research

discourses and efforts are to effectively engage with the sex industry, stakeholders will need to recognise mobility as a central characteristic in sex work and a central motivation among sex workers. This can be done by utilising a contextual and relational approach to agency.

Women in this study engaged with (and were not only acted upon by) structural contexts, such as those shaped by law and regulation. Even within legalised and criminalised frameworks (both opposed by most sex worker organisations), women assess the risks and benefits of different work environments and make strategic decisions about where and how they work. In Melbourne, the construction of a legal sphere for sex work enabled women in licensed brothels to take on a range of law enforcement roles and functions. This included educating clients about the laws governing sex work, informing clients of the consequences of breaking laws (for unsafe sex, for assault against a worker) and reporting abusive or law- breaking clients to law enforcement. As a regulatory framework, legalisation is often opposed by sex workers' rights groups who argue that legalisation risks institutionalising excessive government interference and demands surveillance (e.g. manda-Downloaded by [University of California, San Diego] at 22:47 15 January 2017

tory STI testing requirements, prohibitions against independent, incall work) in exchange for legal and social protection (Maher, Pickering & Gerard, 2012; Ham

& Gerard, 2014; Jeffreys, Fawkes & Stardust, 2012). Yet this study found the ready and routine mobilisation of legal identities by women working in licensed brothels, particularly in sessions with clients. This may partly be due to social difference. It may be that working in a licensed brothel permits a form of legitimacy

166 Agency, security, mobility and social difference or lawfulness that is often otherwise denied to immigrant, migrant and racialised workers, who may find their identities as citizens or residents repeatedly questioned by law enforcement, immigration authorities and anti- trafficking organisations. As discussed in Chapter 6, sex workers can exercise agency in surprising ways. For instance, a few women in Melbourne's licensed

brothels were able to invoke Victoria's sex slavery laws to challenge clients' perceptions of submissive workers.

That women were able to use a sex slavery discourse that has been critiqued for perpetuating stereotypes of submissive workers, and were able to reshape this into a tool to resist client perceptions of submissive workers, speaks to the creative exercise of agency in sex work.

The clear identification of legal workspaces in Melbourne (through a licensing framework) contrasts with the ambiguous criminalisation of the sex work sector in Vancouver. Under federal criminal law in Canada, selling sex itself is not illegal but many activities associated with it are.2 The legal contradictions, ambivalences and ambiguities that characterise the governance of sex work in Canada results in foregrounding law enforcement behaviour rather than the law in sex workers' safety strategies.3 On a day- to-day basis, illegality is defined not by the law but by what could trigger unwanted law enforcement interference. As a result, the contradictions between federal law and city by- laws in Vancouver necessitate a 'quiet neighbour' identity. Paradoxically, this requires sex workers, typically a highly socially excluded group, to demonstrate social inclusion or social acceptance in order to operate free from law enforcement interference. For these women, sex work entails close attention to monitoring others' perceptions of one's presence in the neighbourhood, keeping a low profile and, above all, not

'making trouble'. This implicit contract between workers and the community still places workers in a precarious position, as sex workers who experience violence—or who need assistance—disrupt the ideal or the expectation of the 'quiet neighbour'. For immigrant, migrant and racialised sex workers, the continued questioning and monitoring of administrative citizenship still do not negate strong expectations that sex workers police themselves and prioritise social invisibility and community comfort over their personal safety.

Norms and expectations for the 'quiet neighbour' can also have troubling ramifications for immigrant, migrant and racialised women in sex work who may

‘stand out’ in a number of ways. Perhaps in response to stereotypes about the suspected unlawfulness of immigrant, migrant and racialised sex workers, I found that many interviewees in both cities were particularly attentive to the mobilisation of ‘legal’ identities, such as the law- abiding worker in Melbourne and the quiet neighbour in Vancouver. The regulation and the mobilisation of these identities may be particularly salient for immigrant, migrant and racialised Downloaded by [University of California, San Diego] at 22:47 15 January 2017

women in sex work, who may find themselves negotiating a range of suspect identities, given persistent stereotypes of trafficked sex workers and ‘illegal’

migrant workers.

In addition to contextual factors such as law and regulation, agency in sex work is also shaped by the relations sex workers establish with the people they work with. In short, how one works with one’s colleagues influences how one is

able to make money and keep oneself safe. Interviews revealed three relational approaches that had significant implications for workers’ understandings of the sex industry and work practices, based on whether sex workers perceived their colleagues as risks, which necessitated a protective approach; as resources as well as competitors, managed through a professionalism approach; or as allies, which marked a solidarity approach in which one’s own success in the industry was linked to co- workers’ success and well- being.

These findings are relevant for policy and public discussions regarding collective work environments (e.g. brothels, massage shops) and particularly relevant for stakeholders in Canada, given a recent anti-prostitution law that came into effect on 6 December 2014. The Protection of Communities and Exploited Persons Act[4] criminalises persons who work with or assist sex workers (e.g. receptionists, security, drivers, etc.), in addition to criminalising clients. The Supreme Court of Canada

previously ruled that criminalising those who work with sex workers constitutes a violation of sex workers' rights under the Canadian Charter of Rights and Freedoms (Fine, 2013). The ambiguity and contradictions in the Protection of Communities and Exploited Persons Act suggest that some of the problems with the previous sections of the Criminal Code5 will be replicated under the new law.

That is, workers may be forced to choose between lawfully working in isolation or protecting their safety and well- being by working unlawfully with other workers.

The recent legislative re- criminalisation of sex work in Canada is one example of the great contradictions that persist between the (mis)understandings of sex work in the public and policy realm, and the day- to-day lived realities of those working in the sex industry. Working in this context remains an enormous challenge for workers who are seeking knowledge and building practices that will enable them to work safely, ethically and lucratively. In this global context, empirical studies of the sex industry have an important role to play in challenging the static categories and definitions utilised most often in public discourses, rather than reproducing them.

Notes

1 The number of interviewees with documented status may be higher than indicated.

Among the eight interviewees with ambiguous or unknown status, four indicated they had a visa but did not specify which visa category. In the remaining interviews, participants were not asked about status due to time limitations.

2 As mentioned previously, prior to 6 December 2014 and during the fieldwork phase (2013–early 2014), this included federal criminal laws against soliciting, assisting sex workers and living off the avails of prostitution (Sections 210–213, Canadian Criminal Code). These laws were struck down in December 2013 by the Supreme Court of Downloaded by [University of California, San Diego] at 22:47 15 January 2017

Canada for violating sex workers' rights under the Canadian Charter of Rights and Freedoms (Chu, Clamen, Elliott, Pacey & Santini, 2014). In response, the federal government passed Bill C- 36, the Protection of Communities and Exploited Persons Act, on 6 December 2014. This Act criminalises sex work to a greater degree, notably by criminalising the purchase of sex work and replacing the laws struck down by the Supreme Court with similar laws criminalising solicitation, advertising and working with third parties (Chu et al. , 2014).

3 This is evident in reports that law enforcement in some cities have stated that they will not be actively enforcing the Protection of Communities and Exploited Persons Act and diverse stakeholders are lobbying provincial governments to not enforce the law (Ivison, 2014; 'More than 60 organizations and agencies call for repeal of new prostitution law', 2014).

4 Full text of the Act: www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=6767128&File=30#2.

5 Prior to 6 December 2014 (and during the course of fieldwork), Sections 210–213 of the Canadian Criminal Code (http://lawslois.justice.gc.ca/eng/acts/C- 46) prohibited assisting anyone to work in sex work (procuring), living on the avails of prostitution (e.g. earnings), owning or occupying a place regularly used for sex work (or 'bawdy house') and talking to potential clients publicly (soliciting).

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